

STAFFORD COUNTY PLANNING COMMISSION MINUTES

April 6, 2011

The meeting of the Stafford County Planning Commission of Wednesday, April 6, 2011, was called to order at 6:31 p.m. by Chairman Gordon Howard in the Board of Supervisors Chambers of the County Administrative Center.

MEMBERS PRESENT: Howard, Rhodes, Fields, Hazard, Mitchell, Kirkman and Hiron

MEMBERS ABSENT: None

STAFF PRESENT: Harvey, Smith, Stinnette, Baker, Hornung and Hess

DECLARATIONS OF DISQUALIFICATION

Mr. Howard: Are there any declarations of disqualification for this meeting? Hearing none, would anyone like to make a motion to adopt the agenda as written and as has been published?

Mr. Mitchell: Motion to adopt the agenda.

Mr. Fields: Second.

Mr. Howard: Seconded by Mr. Fields. Any discussion on the agenda this evening? Please note that Mrs. Hazard has just arrived.

Mrs. Hazard arrived at 6:33 p.m.

Mr. Howard: Hearing no discussion I'll call for the vote. All those in favor of adopting this evening's agenda signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Mitchell: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 5 to 0. Also please make a note, Mrs. Stinnette, that Mr. Rhodes has just arrived.

Mr. Rhodes arrived at 6:34 p.m.

UNFINISHED BUSINESS

1. Floor Area Ratios (FAR) in the Commercial and Industrial Zoning Districts (**Time Limit: May 3, 2011**) (**Requesting additional time from Board of Supervisors**) (*Authorized for Public Hearing: March 16, 2011*) (*Public Hearing Date: April 20, 2011*)

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Mr. Howard: Okay, we're onto item 1, we've adopted the agenda as written, and that's the Floor Area Ratio in the Commercial and Industrial Zones. And I know, Mr. Harvey, I know Mrs. Hornung is handling that for staff but first question, I believe this was addressed at the Board of Supervisors meeting last night?

Mr. Harvey: Yes sir, Mr. Chairman, the Board of Supervisors granted the Planning Commission's request for a time extension, so the Commission has until June 1 to conduct its public hearing and make a recommendation. As you may recall at the last meeting, the Commission authorized a public hearing with essentially no change to the current requirements. But there were some discussion about possibly pulling that advertisement should the time extension be granted. We look for guidance from the Commission whether we should publish the next run of that ad with a cancelled sign across it.

Mr. Howard: Yeah, that is my recollection as well that during the discussion, the spirit of that discussion, we didn't feel like we had enough information to allow the suggested FAR ratios to remain in that advertisement and we agreed that we should go back to the original FAR ratios that were in the existing ordinance. Is that the recollection of most of the Commissioners here? Does anyone have a different perspective on that? So we have till the 1st so we could conceivably vote to withdraw the public hearing and then sort of initiate, you know, new action tonight with the new deadline of June 1st if there's an appetite. So, anyone want to make that motion to at least cancel the prior public hearing that we authorized for March... that we authorized on March 16th?

Mr. Fields: So moved.

Mr. Howard: Is there a second?

Mr. Mitchell: Second.

Mr. Howard: So we're... the motion is cancelling the public hearing dated April 20th Stacie, 2011. Is there any discussion? Hearing none I'll call for the vote. All those in favor of Mr. Fields' motion signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 6-0. Now, Mrs. Hornung, we'd like to hear from you. I think there was additional information that was going to be provided, is that correct? Mr. Harvey, is that right?

Mr. Harvey: Yes sir, Mr. Chairman, Mrs. Hornung does have additional information to discuss with the Commission.

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Mr. Howard: Great, thank you.

Mrs. Hornung: Good evening Mr. Chair and members of the Commission. In your packet you will have... you should have received not only the chart, a revised chart, but there are some maps for the UDAs for you. I believe there was a request for some maps. The chart was revised to show percentages of the build-out at the existing FAR and the proposed FAR, and they're in percentages. I guess my question would be do you want to go... would you like me to specify them individually or...?

Mr. Howard: Yeah, I guess, or give us an overview, Mrs. Hornung, if you wouldn't mind, so we... one of the goals was to understand Prince William County and also Spotsylvania County and what, if any, impact has it had. But also, in terms of ratios and percentages, where were they as close as you could tell us, because recognizing they have different zoning districts and definitions for those zoning districts, but as close as we can get to apples to apples to understand the delta between the three counties.

Mrs. Hornung: Okay. For example, in our B-1 Zoning District, the current FAR is .5. So, that equates to about .11% of the county that could be built out at .5 FAR. If you were to increase that, which is what is proposed at .6, that would increase only to .13. Now, when you're looking at... and that's just one of the...

Mr. Howard: That's just in the B-1 (inaudible).

Mrs. Hornung: That's just in the B-1. If we look at the other two localities and they have... Spotsylvania has a C-1 and Prince William also has a B-1, Prince William C-1 is .5 which is the same as ours but their floor area build-out at that rate... or at that FAR, excuse me... would be .0057.

Mr. Howard: You mean Spotsylvania.\

Mrs. Hornung: I'm sorry, Spotsylvania, yes. Excuse me. In Prince William, they designated B-1 being general business. Currently at .4 FAR, their build-out would be 1.01%, so they actually have more area in the B-1 district than Spotsylvania or Stafford.

Mr. Fields: What is the ac number?

Mrs. Hornung: Acreage.

Mr. Fields: So we have acreage and then... two different ac numbers.

Mrs. Hornung: The two different ac numbers are at the different FAR ratios. I left those in there so you could see what the amount was of land because at a percentage that is less 1, I was questioning it why we had so little. But it's because we don't have a lot of area that is zoned in the commercial or the office; most of the land in the county is zoned agricultural or residential. So when you take those out, our non-residential zoning districts are less than 1% of the county that could be built out at that rate.

Mr. Fields: I guess because... so we have acres, like in this first one, B-1 convenience commercial, we have... I'm sorry, my mic's not on... we have acres, 323, and then in current floor area and proposed

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are we have 151 and 181 acres. What are those... what is the 303, how does that relate to the two ac numbers?

Mrs. Hornung: Okay, the 303.23 acres is the total area in the county that's B-1 zoned.

Mr. Fields: Okay.

Mrs. Hornung: Then when you have a .5 FAR and you look at the comparison of that acreage at .5 FAR, you would have 151 acres or .11% of the county. So that's comparing to making a ratio to the county as far as build-out at that rate.

Mr. Fields: So you're talking about then the acreage of the... the actual footprint of the structures then in acreage.

Mrs. Hornung: That is correct.

Mr. Fields: Excluding the other open space...

Mrs. Hornung: Excluding land and water...

Mr. Fields: With 303 acres you're still only building out 303 acres but the actual footprint of structures or structures with parking is 151.

Mrs. Hornung: That is correct.

Mr. Fields: What, structures or structures with parking?

Mrs. Hornung: It's the structure... the way you calculate the FAR for the site...

Mr. Howard: Does it include the parking structure or is this just the building...?

Mr. Fields: It's just the building footprint.

Mrs. Hornung: It's every... it's the impervious area and the...

Mr. Fields: The impervious area, the total impervious area.

Mr. Howard: Okay.

Mr. Harvey: Mr. Chairman, I guess just to clarify, in order for us to give these types of percentages, we had to make an assumption that area in building... building area was going to equate to land area. So, that makes an assumption that all the buildings are one-story because if you went up to multiple stories, you could consume less land area. So we were just trying to give a percentage that sort of gives you an order of magnitude of what the increase in the floor area might do for a percentage of the land within that zone. So it's sort of trying to give you a feel of order of magnitude.

Mr. Fields: Okay.

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Mr. Rhodes: It maximizes the impact and gives you apples to apples comparison across.

Mr. Harvey: It tries to.

Mr. Rhodes: Yeah.

Mr. Fields: Yeah, okay. Thanks; sorry, I didn't mean to derail it but I was just trying to (inaudible).

Mr. Howard: No, that's a good question on the difference between the two numbers. Okay.

Mrs. Hornung: Then, if we're looking at B-2, Urban Commercial in Stafford, compared to Commercial-2 in Spotsy... Spotsylvania or B-2 in Neighborhood Business in Prince William, you have a little over 3,000 total acres of land zoned B-2. But at the .4 FAR, you would only have approximately 1,272 acres at that rate which is about .91%. If you look at increasing it or numerically increasing it but making it less restrictive so less land would be needed to achieve that .7, you'd have a build-out of 1.59% and that would be almost doubled, 2,226 acres for Stafford. If you're looking at .7 currently in Spotsylvania County, they have 1,115-plus acres and that build-out would be .3%, 781 acres. If you're looking at Prince William, their FAR is .3 and their build-out would be only 29 acres or .015. And on some of these numbers, even though they might have four decimal places, when they were less than .0 whatever number, I carried it out to four places so you could see the number because otherwise a lot of them would be .01 and it would be difficult to make a comparison when everything would be... since it's such a small number.

Mr. Howard: So, Mrs. Hornung, just again for clarification, the first column in Spotsylvania and Prince William that you're referring to that's highlighted in yellow is using the FAR from Stafford County and applying it to what we know to be their zoning district that's comparable and also the acreage that's comparable using the Stafford County FAR number, is that right?

Mrs. Hornung: No, actually what I did, I used their FAR...

Mr. Howard: So this is what... okay.

Mrs. Hornung: This is their FAR and their build-out, how much area they have.

Mr. Howard: And then the blue where it says the Comp Plan, whose Comp Plan is that?

Mrs. Hornung: That is that locality's Comp Plan.

Mr. Howard: Each respective county, okay.

Mrs. Hornung: Each respective, yes.

Mr. Howard: Very good, thank you.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes.

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Ms. Kirkman: Well, first let me just backtrack and ask, I just want to make sure. We had asked that this get sent out before it was in our packets. Did that happen because I tried to keep an eye out for it.

Mr. Harvey: No, we ended up with the timing just sending it out with the packet.

Ms. Kirkman: Okay. Because I think I want to suggest actually we now have too much information and that may be contributing to some of the confusion. I had requested some of this information to try and get at this question of are there different floor area ratios because other localities have made a decision to build up rather than out. And I think the example that staff just reviewed regarding B-2 is a good example. I think actually the column that's important for looking at that question, which is why I had requested this information to begin with, is the first column that follows the number of acres which is titled "Total Percent of the County". And so for B-2 in Stafford it's actually 2.27% of the total acreage, wherefore Spotsylvania which does have a much higher FAR, it's only 0.43% of their land acreage. And for Prince William, which has something that's comparable, is .05%. So, that was really the question I was trying to get at and so I said that because we may be going further than we want to.

Mr. Howard: Right. Sure, you're talking vertical versus horizontal (inaudible).

Mr. Rhodes: I still think all this information is helpful.

Mr. Howard: Okay. Well, we just asked Mrs. Hornung to sort of review it so we have, you know, a better understanding of the way we may have been viewing it prior to hearing the explanation.

Mrs. Hornung: In Stafford County, suburban commercial, which you have a total of 18 acres zoned Suburban Commercial, which is only .0129% of the county, if you're looking at a .35 FAR, you really only end up with .0045% of the county for build-out at that rate. If you were to amend that FAR number to .45, then you would only have .0058% of the county built out at that rate. In Spotsylvania, they have a C-3 Highway District, which their FAR is 1. So, out of their total build-out, you come up with .867 rounded up. Now, when you're looking at... one other thing that I forgot to mention, in Stafford and Prince William, I did extract the acreage of Quantico. So it does not include Quantico's acreage in the respective counties. And by looking at that, you'll see that Spotsylvania has 256 acres in the county compared to Stafford being 140 ac... I'm sorry, 256,000+ acres, Stafford has about 140,000 acres and Prince William has about 191,000 acres. So, Prince William and Stafford are much smaller in area than Spotsylvania. So you would need to keep that in mind when we're looking at how much of the land in those localities area zoned in those respective areas because they're going to have more anyway. In Prince William, they have a B-3 Convenience Retail which is at .1. And I did check that to make sure that there wasn't a mistake with that. It said a .1 FAR and that build-out in percentage is .0005. So that's a very small area. If we're looking at offices zoned areas in the three respective counties, Stafford has only one office zoning which is B-3; we have about 480 acres in the County zoned at that district. And when you're looking at .45 FAR, you only end up with a .15% build-out at that rate. If you amend it to .65, then your percentage will be .22. If we're looking at Spotsylvania that has two different office districts, which has one FAR at .7 and the other one is at .1, the .7 FAR would result in .027% build-out, but the 1.0 would result in .014% build-out.

Mr. Howard: Alright, I think we... I think most of the people got how to read this. Thank you for those explanations.

Mrs. Hornung: Sure.

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Mr. Howard: Andrea, did you do any type of analysis? I know we had other departments here at the last meeting and one of the comments that was made early on was Stafford could be at a competitive disadvantage with some of the floor area ratios that we currently have. And I think the Department of Economic Planning was here. Did you... if you look at the current zoning districts that you have on the chart, is there any analysis or at least assumption and/or understanding of what impact do those types of zoning districts have on the economy here in Stafford County? So, in other words, there are suggested FARs and I'm just trying to understand is there something in the methodology that we should be aware of because we're not comfortable with just throwing the number out there until we had more understanding. So, in addition to other questions, I know we haven't asked this, but when you look at it in this format, one question that comes to mind for me is or I'd really like to know if the County does decide to increase the floor area ratio, should we target... well two things; one is the comment Ms. Kirkman made. Should you target an issue where you should be going vertical and also what types of zoning districts are better for Stafford County's economy and where would we want to see that type of additional FAR? I'm not sure if that was part of how you looked at this.

Mrs. Hornung: No, not specifically. But I did go through and I converted those percentages to square footage, because that definitely was a bigger number.

Mr. Howard: Yes.

Mrs. Hornung: And if we're looking at, let's say B-1, you could have six million square feet in the... 6.6 million square feet at .5. But if you increased it, you'd have almost eight thousand square feet.

Mr. Howard: Eight million square feet.

Mrs. Hornung: I'm sorry, yes, eight million square feet. Excuse me. When you're looking at something of that nature, the difference isn't as great as you would expect. When you're looking at B-2 and you make the change from a .4 to a .7 FAR, you have about 55 million square feet in B-2 but then when you increase it it's almost numerically doubling the FAR, which means it makes it... it cuts it in half through development. You end up having possibly 97 million acres; so in that case it does double, almost double. So you definitely will have a lot more land at those revised rates, if you go up that far.

Mr. Howard: Right. And that was early on; that was one of the original questions. Okay.

Mrs. Hornung: Right. When you're looking at Spotsylvania, if we add up... I mean, if we were to add up the acreages, Spotsylvania has almost 150 million square feet of commercial zoning... commercial zoned property. If you would add up the numbers at the build-out, the rates aren't... it's probably about the same, about 135 million maybe... 130 million... at those rates of .5 to 1. Stafford doesn't have that much. So when you're looking at how much area is zoned and at the particular FAR, Spotsylvania would actually have more acreage for build-out than Stafford would. Of course, Spotsylvania is bigger. With Prince William, when you look at the square footage, you maybe have 84/85 million square feet for build-out. So, they already have definitely less but they have a lot, not in commercial but there are four different zoning districts for office. Everybody has two industrial zoning districts, light and heavy, and then I did include the mixed use. But, for this exercise, it's a little difficult to rely on these numbers for mixed use because the... even though we're looking at the zoning for the mixed use, there's residential included in that. So you'd have to... there'd have to be

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another number of other calculations to extract the residential to figure out what the true commercial is in those mixed uses.

Mr. Howard: Right.

Mrs. Hornung: So they wouldn't be difficult to make that comparison because it includes residential and commercial.

Mr. Fields: Mr. Chairman, I might also... I don't want to make things more complicated, but maybe also help perspective as we look at this. I'm just thinking out loud to help myself. But with the 2010 Census, Jeff or anybody, do you know what the population of Prince William was? Ours was 128, right, was that the number, the official number?

Mr. Harvey: Yes, Mr. Chairman and Mr. Fields, our population was estimated at 128,9... 961, thank you.

Mr. Howard: To be exact.

Mr. Fields: And what was Prince William's?

Mr. Harvey: I'm not quite sure. I think they're probably close to 400,000.

Mr. Fields: They were like 425 several years ago.

Mrs. Hornung: Yeah, I think they were about 400 and something... definitely a lot more than...

Mr. Fields: It might be interesting to look, if you look at slightly more similar acreage and you look at Prince William at 400,000, it might help give you a vision of how far or how much you need at a certain however many years, God help us if we ever end up with 400,000 people in the County. But, I mean, it kind of gives you an idea of what is... what becomes necessary at certain levels of population (inaudible).

Mr. Howard: So, if we could go back and benchmark that, I think that's a good idea. So the population of Prince William and also I'd add Spotsylvania on there. That's actually a good comment.

Mr. Fields: We're trying to get apples to apples and I'm not trying to make this harder but... and the acreage is important, the percentage of acres. But there is... and Stafford and Spotsylvania are always because they're about the same but Prince William is a much bigger county in terms of population by a lot.

Mr. Howard: No question. At least double that we know of; it could be greater.

Mr. Harvey: Mr. Chairman, the population for Prince William County for the 2010 Census was 402,002 people.

Mr. Howard: How about Spotsylvania?

Mr. Harvey: Spotsylvania, that's 122,397.

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Mr. Howard: Does it indicate whether Prince William saw a decrease in population?

Mr. Harvey: We'll look into that.

Mr. Howard: Okay.

Mr. Harvey: Mr. Chairman, I guess some of the things to refocus back onto part of the issues to consider is we have the new UDA requirements in the County. Most of our zoning categories do not... the maximum FAR allowed is either at the floor of the UDA requirement or some are below and one or two are above. So that's another consideration for the Commission when you want to forward an amendment on is to what zoning districts do you think our commercial and industrial zones may be compatible with the UDA. And what kind of zoning categories would you like to see in a UDA, and that could be part of your thought process and what districts you want to increase the FAR.

Mr. Howard: That's a good point.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Right now, isn't the TND sort of the only mixed use ordinance we have that corresponds with the UDAs?

Mr. Harvey: Yes, it complies with the UDA requirements except for the multi-family residential component does not meet the minimum density prescribed for UDAs.

Ms. Kirkman: And has any amendment been put forward to make that compliant with the multi-family requirement?

Mr. Harvey: Not at this point.

Ms. Kirkman: So, I guess my question is since we have a TND that at least meets the commercial... but it does meet the commercial requirements, correct?

Mr. Harvey: Correct; there is no specified minimum floor area. So, it could if somebody proposing a project under that zone proffered the minimum that could qualify for a UDA.

Ms. Kirkman: But right now the TND Ordinance is the land use that we have that's closest to the UDA.

Mr. Harvey: Yes.

Ms. Kirkman: So either we're going to be using that or a new ordinance is going to come forward. And so, on that basis, I think we really should set aside this notion that we should be trying to figure out the FARs for the UDAs because either we're going to be using something that we have that already meets the requirements for the commercial component, or there's going to be an entirely new land use district that's put forward that would meet all the requirements, including multi-family.

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Mr. Howard: Yeah, I think that's a fair point. Or would we do them all, you know, knock this off in one shot is the other point. Is there a reason we don't have the TND Ordinance as sort of the starting point for these UDAs?

Mr. Harvey: It could be. So far there hasn't been any discussion at the Commission or Board level to recognize that as being the hallmark and the only zoning category we're going to look at for the UDAs. I guess that's a policy discussion for the Commission and the Board is how do you view UDAs? Often the UDA areas are comprised of more than a single parcel; there's often a number of parcels so there could be potential multiple zoning applications within the UDA. Some properties may be entirely commercial, some may be residential, or some could be mixed use, so that would be a policy question for the Commission as to whether you think it's appropriate to have a zoning category in the UDA that's all commercial and possibly also a zoning category that's all residential.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yeah, Ms. Kirkman.

Ms. Kirkman: You know, prior to coming here and also as we've been sitting here and getting some clarification on the chart that's been given to us by staff, I've done some numbers. And certainly if staff... I'd be glad to work with staff on this prior to the next packet going out. But I was really interested in this question of density and going up versus going out. And there's so little in the office category which I think that's an interesting finding of itself, how little is zoned in all of the counties for office.

Mr. Howard: Yeah, in particular, when we believe is a county we're trying to lure as many offices as possible.

Ms. Kirkman: So we need to set aside that and for the reasons that staff has already stated, we probably should really kind of set aside the mixed use because it's really hard to calculate those numbers. But if you do add up in the commercial category all of the acreage for each of the counties and then look at it as a percentage of the total acreage. For Stafford you get a percentage of 2.5%, for Prince William County you get a percentage of 2.6% and for Spotsylvania you get less than 1%, it's 0.97%. And what's interesting is actually in that category, Stafford's FARs are very close to Prince William. Stafford's run from .35 to .5 and Prince William runs from .1 to .4. In contrast, Spotsylvania, which has far less acreage in that category, has much higher FARs of .5 to 1.0. Similarly, if you look at the total acreage in industrial, Stafford has 4% and Prince William County has 3.7% and, again, you see some similarities in the FAR. Stafford's FAR is .35 and Prince William County's is .5. In contrast, Spotsylvania has a lower percentage of 2.6% and again a much higher relative FAR of 1 to 1.5. So, it's eyeball, it's not precise, but it does seem to indicate that Spotsylvania has made a decision to concentrate and go up, whereas Prince William County and Stafford have done more of a less dense but out.

Mr. Howard: Horizontal approach.

Mr. Fields: It's interesting given that we're both significantly smaller in area than Spotsylvania.

Mr. Howard: Right.

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Mr. Fields: But, Spotsylvania... but functionally a good half of Spotsylvania is just off the table when it comes to this type of thing ever happening. I mean, that's also again a reality of it. You know, Spotsylvania is basically a county the size of Stafford; it has any potential of ever being having the network of infrastructure to develop like all of Stafford will. And then there's another 200 square miles of rural Spotsylvania that's never going to be accessed by this to some degree so, that kind of factors into it as well.

Mr. Howard: Alright, so from a Planning Commission perspective, what else would you like for the next meeting? Commissioners, I'll defer to you.

Ms. Kirkman: (Inaudible – microphone not on) discuss the UDA zonings that actually exist? I have asked staff...

Mr. Howard: We haven't done that yet.

Ms. Kirkman: If we could just look at that for a minute because my concern here about again changing the ordinance so that existing zonings can meet the UDA requirements is that we then lose out on the opportunity to get proffers for the rezonings. And I think this would particularly be an issue in the Courthouse UDA which has already been rezoned to one of these... a vast majority of which has already been rezoned to one of these commercial FARs. And that's why I'd asked for staff to prepare the land uses within the existing UDAs.

Mr. Howard: Right. You want Mrs. Hornung to go through that?

Ms. Kirkman: I don't know if she needs to; I was just pointing that out that that was in the packet and that that's another concern that I have about upping these FARs for these land uses because it then means these developers could develop at a higher density without having to go through a rezoning process which means there would be the loss to the County of an opportunity to collect proffers. And that's already a really big issue in the Courthouse area where the County rezoned all of that acreage and there are no proffers associated with that land.

Mr. Howard: So, a suggestion would be from you then that we work on these floor area ratios from a zoning perspective, but not necessarily within the UDAs, assign the zoning districts, is that right? That's more of a menu of choices and allow somebody to come in for a rezoning and then, under our Zoning Ordinance, allow for a certain type of build-out but not necessarily rezone... Well, actually refresh my memory. In the Courthouse UDA, what was actually rezoned? What land was actually rezoned?

Mr. Harvey: Mr. Chairman, Commission, currently in the UDAs there has been no zoning change for that area as far as creating an overlay zone. The first discussion we've had for an overlay zone possibility has been with the RDA-1 for Boswell's Corner.

Ms. Kirkman: Mr. Harvey, though, there was a huge rezoning of the Courthouse area. Could you speak to that please?

Mr. Harvey: Yes, there was a sizeable rezoning to our current B-2 Urban Commercial outside of the Urban Development Area, southeast of it, for a project that was called South Campus. That was I

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think two years ago if I remember right. But, in general, the Courthouse area I don't recall any recent zoning changes in that area...

Mr. Howard: Not related to the Urban Development Area.

Mr. Harvey: No, no.

Mr. Fields: Excuse me, Mr. Chairman, Ms. Kirkman is referring to the Board initiated rezoning of the Courthouse area that occurred two or three years ago that zoned several hundred acres from... largely from industrial and agricultural to commercial.

Mr. Howard: Was that the South Campus...?

Mr. Fields: South Campus was different; that was a specific project.

Ms. Kirkman: South Campus was a private project.

Mr. Harvey: Yeah, so there was several properties and you can see on the zoning map that have the darker color red that were zoned to B-3 Office. One or two of those may have already existed as B-3 Office but that zoning that took place encompassed a much wider area than the redevelopment area.

Mr. Howard: Was that to accommodate the new hospital and the... that had nothing to do with that's the South Campus piece?

Mr. Fields: No.

Mr. Harvey: It did not have anything specifically to do with South Campus; however, it rezoned portions of that South Campus property before the South Campus rezoning took place. Some of it was zoned M-1 Light Industrial but part of the concern at the time was with the new interchange project and the concept of the redevelopment area which is broader than the UDA. The RDA area pretty much they tried to zone anything that was industrial to office thinking that that would provide a better look for the overall county.

Mr. Howard: But the intent of... maybe we need to back up... the intent of trying to work through the zoning districts and coming up with a new floor area ratio is not to rezone anything that's designated a particular zoning district.

Ms. Kirkman: Mr. Chair, if you change the FAR for an existing land use then...

Mr. Howard: That's correct.

Ms. Kirkman: ... they automatically get that higher FAR. They do not have to go through a rezoning to get the FAR. At that point, the County experiences increased density, increased traffic impacts and has no ability to collect proffers to mitigate the impacts of that increased density.

Mr. Howard: Well, we would have a... we'd have the same ability we have today to collect the proffer, right? The difference is they don't have (inaudible).

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Ms. Kirkman: No.

Mr. Fields: If it's already been rezoned, it's done.

Mr. Howard: Well, the difference is... but staff can work with them and talk about impacts and things.

Mr. Fields: We can't. We have no ability to collect anything. Then we're just approving preliminary subdivision plans.

Mr. Howard: But when there's a new Comp Plan, there are certain aspects of every Comp Plan that change what happens in a particular zoning district. So are you suggesting that we don't look at the FAR at all and we just... I'm not sure I understand what the suggestion is.

Ms. Kirkman: Well, if you're asking where I think we ought to go with this, I actually, to look at some of the main reasons that have been given for why these FARs should be raised. The first reason given was that it put us in a non-competitive position with other localities, yet when we asked Economic Development if a single project had been lost as a result of that, he said no. Then another reason that was given was that our floor area ratios simply just weren't comparable to other counties and through, you know, sort of eyeball analysis it appears when you take into account the amount of acreage, we're actually comparable to Prince William. And Spotsy, which has higher FARs, has a lower percentage of their land in that zoning category. And the last reason that was given was that we need to be able to meet the UDA requirements. And what we've established is that we do... our closest land use that exists now is the TND and that does meet the commercial requirements, and if that's not going to be used for the UDA then an entirely new ordinance is going to have to be put forward. So, at this point, I have to say I don't think these ought to be changed unless there's some compelling reason that we have missed, because otherwise I think there may be unintended consequences. And the concern that I am most concerned about is the ability of the County to collect proffers to mitigate the impacts of that increased density and that higher land use.

Mr. Howard: Alright, let's hear from some of the other Commissioners on that (inaudible).

Mr. Rhodes: Mr. Chairman, just for clarity, what I heard from Economic Development was not that there none that were turned away, I think the answer was that none that specifically cited this as the reason for not developing in that location and that was the best way they could answer that; just to clarify the answer. And secondly, just to qualify that while we may have the same acreage as Prince William County, which is a much larger county, or, yeah, a differently situated county, on the office space we are at one-half to one-third the floor area ratio so it doesn't matter if the acreage is the same. It's distinctly different in the floor area ratio, just to be clear and correct. Thank you Mr. Chairman.

Mr. Howard: Okay, any other comments from any of the other Commissioners? Mrs. Hazard? I'll poll the group now. Mr. Hirons? Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I respect each Commissioner on this group and I respect their opinions, but because one opinion says we should nothing and not move anything doesn't mean the other six feel that way. So, if it's something that we want to pursue, we should pursue it and vote it up or vote it down. That's my opinion sir.

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Mr. Howard: Okay. Is there any opinion, Mr. Harvey, of staff on starting out with the TND as sort of the baseline since it exists today, bringing that back to us and getting us all familiar with the details contained in that? And then is there a reason and/or need to do this in tandem? I think Ms. Kirkman has a very good concern in terms of we don't want to limit the County's ability to help fund future projects and future growth of the County, and when I say that to have developers help participate, you know, in that funding.

Mr. Harvey: Mr. Chairman, staff would be glad to bring back at your next meeting the TND Ordinance for discussion purposes. There's a number of things that the Commission may want to talk about and think about in terms of... especially if you're focusing on the UDAs, as to how they would fit into the UDAs.

Mr. Howard: Okay, I think that would be helpful. Mrs. Hornung, did we miss anything from your perspective since I know you were one of the original originators of this? Any clarification?

Mrs. Hornung: I don't think so.

Mr. Howard: Okay.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman.

Ms. Kirkman: Can I ask Mr. Harvey...

Mr. Howard: Absolutely.

Ms. Kirkman: What happened with the Planning Commission's request for an extension on this?

Mr. Howard: Oh, we took care of that in the beginning. We were given an extension to June 1st; we have additional time.

Ms. Kirkman: Okay. Thank you.

Mr. Harvey: Yes, Mr. Chairman, so that would mean the Commission would need to consider authorizing a hearing by your May 4th meeting.

Mr. Howard: Thank you.

Ms. Kirkman: We do have one already authorized.

Mr. Howard: Oh, we unauthorized that.

Ms. Kirkman: You unauthorized it; okay, thank you for the update.

Mr. Howard: Yes. May 4th we'd have to make a decision? Okay. Alright, we'll go onto item 2. We have 10 minutes before we need to take a break for public comments and then start up public hearings. So this is the Comprehensive Plan Compliance Review, the Telecom Tower at Payne's Corner.

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2. COM1000344; Comprehensive Plan Compliance Review - Telecom Tower - CWS @ Payne's Corner - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code § 15.2-2232, for a 180 foot tall monopole telecommunication facility on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet east of Poplar Road, within the Hartwood Election District. **(Time Limit: April 30, 2011) (History - Deferred at March 2, 2011 Meeting to April 6, 2011 Meeting)**

Mr. Hess: Thank you Mr. Chairman. Staff brings back to you tonight two cases, items actually number 2 and number 3 if you don't mind me consolidating them?

Mr. Howard: Not at all Mr. Hess, thank you.

3. CUP1000345; Conditional Use Permit - Telecom Tower - CWS @ Payne's Corner - A request for a Conditional Use Permit to allow a 180 foot tall monopole telecommunication facility in a A-2, Rural Residential Zoning District on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet west of Poplar Road, within the Hartwood Election District. **(Time Limit: April 30, 2011) (History - Deferred at March 2, 2011 Meeting to April 6, 2011 Meeting)**

Mr. Hess: Okay; one being the Comprehensive Plan Compliance Review, the second one being the Conditional Use Permit for Telecom Tower, CWS, Community Wireless Structures, at Payne's Corner. As you recall, on March 2nd the Planning Commission deferred both applications. The proposal was for a 180 foot tall monopole communication facility. We deferred... well the Commission deferred the applications until today's date to allow the Telecommunications Committee to continue the work on revising the Telecommunication Plan of the Comprehensive Plan. The committee is currently meeting bi-weekly and they are not finished with the work as of to date on revising the plan. The committee still plans on holding two more meetings before the deadline expires. The Board has authorized the committee to finish their work by April 29th and then submit it to the... submit the revised Telecommunication Plan to the Planning Commission with the review of the recommendation. With the memo, we attached a map provided by the GIS Department. It shows existing telecommunication facilities with a one mile radius. Now, this by all means does not give a 100% accurate scope of what the coverage is in the County within these radii; it's more or less for just visual purposes. The applicant has also provided a map; if you want me to show that to you I have that on the laptop if you want to take a look at that as well. In either case, both the applicant's map and GIS's map does show that there's a gap in the wireless coverage in this area. I think it's starting to become more understandable that with the technology, the way it's going, that there might be a push... or there will be a push to have shorter towers and towers closer together especially with the capabilities that the cellular phones are now having as far as downloading data and so on and so forth. With that aside, there was a request at the March 2nd meeting to add a beacon light to the top of the telecommunication tower. The applicant has agreed to install this light. Just staff would like to point out that the Telecommunication Plan does recommend lighting, but only when it's required by the Federal Aviation Administration, the FAA. And in this particular case, under FAA standards, the proposed tower would not be required to install a light due to its proposed height of 180 feet; but if it is the desire of the Planning Commission to go ahead and have the applicant put the beacon light on top of the tower, we suggest that you craft the condition to the type of method of lighting as addressed in the Telecommunication Plan, which is spelled out in the memo. And, that's all I have.

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Mr. Howard: Mr. Hess, the question I have on the map that you provided to the Planning Commission which I believe is a map generated from our own County GIS system?

Mr. Hess: Yes.

Mr. Howard: And that's all the communication towers we have in the County?

Mr. Hess: Correct.

Mr. Howard: And then you drew a mile radius... you shaded that in yellow?

Mr. Hess: That is correct.

Mr. Howard: Okay. And that was more anecdotal based on commentary we had heard from the applicant, so, about the range and with smartphones and so on and so forth. But I just want to highlight that the Planning Commission... that is not the intent of the Planning Commission to even suggest that a mile radius around a communication tower is (a) acceptable or (b) something that we want.

Mr. Hess: Okay.

Mr. Howard: Just so that's clear to everybody who may be watching or if anyone else has a copy of what's been handed out. That is not at all... in fact, we put that committee together and they can, at will, give an update if they choose to do so in terms of some of the strategy that the County is going to embark on to help the telecommunications industry understand Stafford County's position on this.

Mr. Hess: Okay.

Mr. Howard: So, I mean, it's an overwhelming map; you could argue okay, so there might be a gap in coverage but, boy, there's a heck of a lot of coverage in certain areas where you have two and three poles, you know, within a quarter of a mile of each other.

Mr. Hess: Right.

Mr. Howard: So, there's probably not enough collocation taking place amongst the telecommunication companies I will argue. Okay, are there any questions of the Planning Commission for staff?

Mr. Fields: I do want to echo and Mr. Hirons can jump in that I know we have a report later, but if it's okay with Mr. Hirons, this is probably the most appropriate time to kind of discuss our work. And we didn't orchestrate a presentation so I'm just going to give my version and I'm sure Scott will give his. I'd have to admit... first I would like to thank the staff who's done an outstanding job of providing a lot of information. We've been meeting every two weeks and they're coming in with a lot of good information. And, in general, there's a lot of things that are emerging fairly logically among the four members, which is great. But the reality of it is there's a lot of information that there is... the point is, is it's too early to say what this committee will or will not recommend. We've seen a lot of information, a lot of it is very interesting. I can tell you, I guess the best way I can say it is that these applications will have a significantly different process with the likely outcome of the committee and so that's sort of the problem where we're at right now with this specific application. I think we're

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realizing there are mechanisms we will be putting in place that will allow us to deal much more comprehensively and in the public interest with this then the way they're coming in piecemeal with all the data driven by the applicant. So, I think this next meeting which we're going to do next Thursday, correct me if I'm wrong Scott or Jeff, is we're actually going to kind of have a draft, sort of a rough draft, to start looking at in terms of a plan? That's the way we left it the other day I believe, right?

Mr. Harvey: Yes, staff's working on a draft document to begin the discussion with the committee.

Mr. Fields: Okay. Hopefully that's helpful. Scott, I don't know if you have anything to add?

Mr. Hirons: No, I think you covered it pretty well. I have some thoughts and comments probably about this particular application in relation to some of the discussion we're having but I'm going to save those comments until we get a little further along here.

Mr. Howard: Okay. Are there any other questions of staff from any other Planning Commissioners? Thank you for that update by the way. Ms. Kirkman? You've got to put your mic on.

Ms. Kirkman: Have you all considered the notion that if, in fact, these things are going to be located a mile apart, if, in fact, the technical aspect is that that's necessary that there be some recommendation about height limitations? Is that in the works?

Mr. Fields: Almost everything is possible, you know, and this is... the last meeting we had we had the County's existing Telecommunications Consultant, RCC, which consults for the public safety on an ongoing basis give us a very good presentation. And they basically updated us that what has become fairly best practices among localities is that we're totally capable of using them or some other consulting, but localities use their own Telecommunications Consultant to look at each tower application, decide whether there's a legitimate need or not. And that's... finally, that's probably one of the pieces of the puzzle that will emerge as one of the ways of doing it. Because the bottom line is, the County in house has no way of assuming what is the technical necessity for a tower or not. We have nobody on staff with that expertise, but we have it available.

Mr. Hirons: Yeah, and to kind of echo what the Chairman said, just to make sure everyone knows, the outcome of this committee I don't think will be we should have towers at X number of miles apart or definitely not one mile apart. But most of the discussion and focus has been on looking at consumer demand, citizen demand, as well... and coupled with the capacity and technical ability of the structures themselves. Some areas may call for or may require, technically require a mile or so apart; other areas can be three to five miles apart is what I'm getting. So I just wanted to make sure it doesn't get interpreted at some point that we're going to have towers a mile apart and that's going to be a result of (inaudible).

Mr. Howard: Right, and I think topography has a lot to do with it.

Mr. Fields: And it's a question of coverage, not necessarily location of towers. It's a question of antennas and cells located in some... or the ability to provide service and that's a much more complex and fluid notion than a tower; particularly 180 foot tower.

Mr. Howard: Is there a way that the committee can work with someone from the DC Metro because they were able to put I think they're called transponders underground and throughout the entire metro

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system you get cell coverage and there's no towers down there. So there is other technology that's available...

Mr. Hirons: I think we got some of that... started jumping into some of that discussion, some of the other technologies that are available to repeat signals types of things (inaudible)...

Mr. Howard: Right, like you do on a telephone pole versus having a new tower.

Mr. Hirons: ... I believe staff was going to look into some more of that technical capabilities perhaps?

Mr. Harvey: Yes, there was some discussion about amplifiers and staff was going to look into that a little bit more.

Ms. Kirkman: So, we don't know... so, I heard these things may have to go varying distances. I guess my concern is, you know, there's a tower that's been proposed in my district that the proposed height is so high that they've said, my understanding is they said they can't even do a balloon test. And so my concern is if we're looking at constructing towers that high, so perhaps the committee could look at some maximum height structure that's appropriate for particularly rural parts of the County.

Mr. Howard: Yeah, and I think that's a good request. Anything that's available in terms of technology. Technology itself, in regards to these towers, has to change. It has to evolve as quickly as their cell phones evolve and I don't think they've spent a lot of time on that.

Mr. Hirons: And just so everyone knows, one thing we're learning, and I don't mean to speak for you and speak for the entire committee but I think you'd probably agree, this is a really complicated and deep, deep issue to deal with. And this committee, I'm looking... I'm starting to think it's probably going to exist for quite some time and we're going to have some phased rollout of what our final product is or multiple final products if you will.

Mr. Fields: Where we'll get to by this timeline is an overview and certainly I think we'll be working and tweaking this for... I agree with Scott... for quite some time to come because there's a lot of detail to this. But it's all manageable; I mean, it's not... you know, it's a doable work, we just have to do it systematically. The point is well-taken, Ms. Kirkman, and yeah, we quite haven't really gotten as much to that as we've gotten to try and determine more like how we figure out some of these more urbanized problems actually. But, everything's on the table, nothing's off the table.

Mr. Howard: I appreciate your work very much but I just want to point out, sort of in gest, there's no additional stipend for making your committee go longer. I was kidding Mr. Fields.

Mr. Fields: Really?

Mr. Howard: Mr. Mitchell, go ahead.

Ms. Kirkman: Could I...? Mr. Harvey, do we know what the highest tower in the county currently is? Or could we get that number?

Mr. Fields: Including radio towers you mean? Or just cell towers?

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Ms. Kirkman: For cell towers. Could we get that?

Mr. Harvey: We'll get that data for the Commission.

Mr. Howard: Thank you. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, in reading the data provided to us, I was a strong proponent for lighting the towers from day one. But reading this information, it very specifically states at the bottom of page 1, the plan states the applicant use the minimum amount of pilot warning and obstruction avoidance lighting. That's a scary thought to me; if I'm in a plane, I want my pilot to have the maximum amount of warning and the maximum amount of avoidance capability. So, I'm concerned that our Telecommunication Plan has that written in there. I was also concerned that they preferenced white over red. Most people can see red a lot better than they can see white, especially at long distances. So, just input for the committee is all I'm mentioning.

Mr. Howard: That's true. We're going to have to take a break and go to public comments. So, at this time, I'd like to open up the Planning Commission meeting for public presentations. And we do have four public hearings scheduled this evening on the agenda. Anyone wishing to address the Planning Commission on any of the items that are not on the agenda for public hearings may do so by stepping forward. Now here's a little bit of a change from what we've done in the past. We've carried over a public hearing which is the reclassification of Quantico Corporate Center and I'm going to allow public comment for anyone who wants to address the Commission again when we open up that public hearing. So, I would just ask if you're here to make a comment on that, you can wait until that public hearing and then we'll allow that to take place for anyone, even if you've addressed us before, we will allow that. The Chairman's going to make that available. So I just ask that public presentations focus on anything that's not scheduled this evening for public hearing. So, anyone wishing to address the Planning Commission may do so by stepping forward to the podium. You'll have three minutes to address us. We ask that you state your name, your address, and when the green light starts that's when your three minutes start. When the yellow light comes on you have about a minute to conclude your comments and then when the red light starts to flash, we'd ask you to conclude your comments and allow the next speaker to address us. We don't answer your questions directly as you're speaking. In general sense we'll try to get you an answer for a topic that you bring to our attention this evening. But again, in a general sense once the public presentations have concluded. Anyone wishing to address the Planning Commission may do so now by stepping forward.

4. Comprehensive Plan: UDA, Allocation of 4,000 Dwelling Units Update (**Time Limit: May 15, 2011**)
(**Authorize for Public Hearing by: April 6, 2011**)
(**Potential Public Hearing Date: May 4, 2011**)

Discussed after Public Hearings.

5. P-TND Ordinance Amendment; T-1 Transect Zone (**Time Limit: June 3, 2011**)
(**Authorize for Public Hearing by: May 4, 2011**)
(**Potential Public Hearing Date: June 1, 2011**)

Discussed after Public Hearings.

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6. RDA-1 Zoning District (**Time Limit: May 31, 2011**)
(**Authorize for Public Hearing by: April 20, 2011**)
(**Potential Public Hearing Date: May 18, 2011**)

Discussed after Public Hearings.

7. Rappahannock River Overlay District and Potomac River Overlay District (Referred back by Board of Supervisors) (**Time Limit: October 6, 2010**) (**History - Deferred at June 16, 2010 Meeting to August 18, 2010**) (**Deferred at July 21, 2010 Meeting to September 1, 2010**) (**Deferred at September 1, 2010 Meeting to October 6, 2010 Meeting**) (**Deferred - Requesting additional time from Board of Supervisors**)

NEW BUSINESS

8. Comprehensive Plan: Implementation Plan

Discussed after Public Hearings.

7:30 P.M.

PUBLIC PRESENTATIONS

Mr. Waldowski: Computer please.

Mr. Howard: Computer please.

Mr. Waldowski: Paul Waldowski. As you can see on the map, Stafford County is the red 277 square mile area where we have 97 square miles of development. And I'm here to bring up a number for you that you're all real familiar with, 10,661 units. And the question is where have all these units been put. And I like to give lots of things about location, location, location. And this new term, UDAs, has come up over and over again and we hear about RDAs. And it seems like there's only a few people in the whole county who know exactly what the UDAs are and what's going on. And, as you can see, we have eight of 'em so we're behind the eight ball. So I brought back my neat little slide where everything that's an S is a dollar sign. And we're going to start with how this all started with this 5 to 2 vote that put eight UDAs that you all approved on 11/17/2010. Then the Board of Supervisors came along and, to be politically correct, they reduced it to six. Now, when I came here last time I made a mistake and I had six here but it's really eight, because now we had another joint committee of Planning Commissioners and Board of Supervisors and by a whooping 3 to 2 vote we've got eight again. Then the Board of Supervisors comes again and they reduced it to seven. Now, I keep going back to the consultant that we hired and the town hall results and if you really listened to what was going on, the UDAs that she came up with, it's really a Urban Downtown Area. And when you already have 97 square miles of development that is already mixed up west of I-95, the eight areas that you picked are all east of I-95 predominantly, and there is not rule by Richmond that says you have to pick eight. And, I already gave you my other one many times before. Now, I told you last time that if you google the earth, it comes up at Stafford right at the courthouse. It's just amazing how these

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things, GIS, just work so nice and it's just one of those things you need to keep in mind that you don't have to keep us behind the eight ball. Thank you.

Mr. Howard: Thank you Mr. Waldowski. Anyone else wishing to address the Planning Commission on any topic may do so... any topic that's not a public hearing... may do so by stepping forward to the podium. Seeing no one making a signal and/or body movement that indicates they're walking forward, I will now close the public presentations and open up the public hearings. And we'll start with the public hearing RC1000338 which is the reclassification of Quantico Corporate Center. Good evening Mrs. Baker.

PUBLIC HEARINGS

9. RC1000338; Reclassification - Quantico Corporate Center - A proposed reclassification from R-1, Suburban Residential and M-1 Light Industrial to B-2, Urban Commercial Zoning District to allow office, commercial, and retail uses on Assessor's Parcels 12-1, 12-3, 12-4, 12-5, 13C-A, and 13C-D, consisting of 15.06 acres, located on the north side of Telegraph Road, and east side of Interstate 95 within the Griffis-Widewater Election District. **(Time Limit: May 31, 2011) (History - Public hearing continued at March 2, 2011 Meeting to April 6, 2011 Meeting)**

Mrs. Baker: Good evening Mr. Chairman and members of the Commission. I'm here to present item number 9 which is Quantico Corporate Center reclassification. And if you recall, this was presented for public hearing on March the 2nd and the public hearing was continued because the Department of Transportation had not commented on the Transportation Impact Analysis. So we have since received that information and provided it to you. At this point, I want to ask if you would like another presentation on the overall project, if you wanted an abbreviated presentation, or a summary. We do have the applicants here that are ready to talk about the actual Transportation Impact Analysis and changes to that.

Mr. Howard: I'll defer to the will but my thoughts were going to be sort of a quick summary and then a review of the Virginia Department of Transportation report because there were a few things noted in there. And certainly we'd like to understand the applicants' perspective on that. Anyone else have a different...?

Ms. Kirkman: And then at some point we'll re-open for public comment?

Mr. Howard: Absolutely.

Mrs. Baker: If I can have the computer please I'll do just an abbreviated power point just to reconnect you with the project. Again, this is a reclassification from R-1 and M-1 to B-2 and it's for the development of office, commercial and retail uses. And the Quantico Business Center is the applicant. And these are parcels totaling 15 acres and they're located on the west side of Route 1, between Route 1 and I-95 just north of Telegraph Road. You can see the location; this is Route 1 to the east and Telegraph Road and I-95. And this goes on into Quantico Marine Corps Base. So the project is encompassed by the parcels in red, the ones in yellow are zoned R-1, and the blue triangle is currently zoned M-1. And this is just an overall aerial view of the project; there are some existing structures on the property. And just an aerial view to the north; you see the Quantico Corporate Center. This is Corporate Drive that would be extended into the property. The Generalized Development Plan does

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show the access, Corporate Drive, off of Telegraph and it would connect, as I said, to the existing Corporate Drive, serving the entire Quantico Corporate Center. So, you do have four buildings that are proposed in these areas. And there are proffers associated primarily with the building materials, the look of the property and the buildings, screening and limiting signage, prohibiting certain uses, higher intensity uses such as car washes with convenience center and vehicle fuel sales. There would be a maximum of one drive-thru facility permitted. There's also a cemetery that they would enhance buffering for that cemetery on the site and enhance fire safety features for the buildings. Additionally, they are proffering to construct transportation improvements as discussed in the Transportation Impact Analysis. They would connect the Corporate Drive within six months of occupancy of the first building. They'd also construct sidewalk on one side of Corporate Drive and dedicate the right-of-way along Telegraph Road. I didn't discuss what the actual recommendations are within the Transportation Impact Analysis, but they do include widening of Jefferson Davis Highway from four lanes to six lanes in the project vicinity; also, a turn lane from Telegraph Road into the project, and then improvements to the turn lanes at your signalized intersections. So again, at the March 2nd public hearing, the staff did recommend continuation of the hearing until those VDOT comments were received, and we did receive those on March 31st. And staff does recommend, as a result of that, that the proffer would limit the development onsite prior to the second entrance... the amount of development before a second entrance is constructed into the property. The second entrance does incorporate off-site property not owned by the applicant, so that would be problematic for them; they would have to make the arrangements for that at some point in the future. So, at that point, I'll open it up for questions.

Mr. Howard: Mrs. Baker, was there an amount that staff thought would be appropriate to limit before that second entrance becomes available (inaudible)?

Mrs. Baker: I'm going to ask Mr. Harvey if that was...

Mr. Harvey: Mr. Chairman, no there wasn't. As Mrs. Baker noted, this is an off-site connection point. The traffic analysis indicates that that point was part of the study and VDOT has indicated that they think it's an important connection to be made. There is revenue sharing money that the County previously committed to make intersection improvements in that area. It's been a number of years since those funds were committed but, from my understanding, they're still available, that that revenue sharing money may not cover the full cost of that improvement, and the applicant may not be in a position to be able to acquire all the right-of-way. So, that would probably require cooperation between the applicant and the County on how to achieve that connection point. The recommendation of limiting the square footage was based on not knowing what may occur in the future and that may be some dialogue that the Commission would want to have with the applicant as to whether that's reasonable and/or what other opportunities may be out there to work together to ensure that connection takes place.

Mr. Howard: What's on the parcel now, that's not owned by the applicant, that would help with that second Route 1 entrance?

Mr. Harvey: If I remember correctly, there's a residential zoned property that has a majority of that right-of-way through that area. It has a home business use as a trophy shop. It had been before the Commission for a rezoning last year, but was withdrawn.

Mr. Howard: I remember that.

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Mr. Harvey: But there may be other properties in that corridor that are impacted once the final design for that intersection has been completed.

Mr. Howard: Okay, we can ask the applicant if they've had discussions. Ms. Kirkman?

Ms. Kirkman: Mr. Harvey, when you say it would require cooperation between the applicant and the County to make the access point happen, what do you mean by that?

Mr. Harvey: Well, right now with the revenue sharing funds, if they're to be used for the turn lane improvements, it would have to either be a County or a VDOT project, unless VDOT changes the method in how they utilize revenue sharing funds. And if the applicant was to provide some help in funding the remainder of the improvements, it may be something that requires work with the applicant and the County. If the applicant was to try to pursue it and was unable to acquire right-of-way, if that's the direction that the process was going to go, then the County may have to step in to assist with acquiring right-of-way because an individual property owner doesn't have condemnation rights for public improvements, but the County does.

Ms. Kirkman: So when you say the County would assist, you mean the County would use its power of eminent domain to acquire the property?

Mr. Harvey: It could be, especially if it becomes a county administered project.

Ms. Kirkman: Thank you.

Mr. Howard: Do you know the percentage of funding that is available?

Mr. Harvey: I don't know the percentage; generally speaking there was a revenue sharing for \$300,000 that the County committed to and there's \$300,000 of State money, so it's \$600,000 total. The applicant has provided information that was passed out tonight at your desk that goes into their traffic engineer's analysis of the VDOT comments. And I know he's here tonight and maybe can provide some more information on that. Included in that packet also is a reference to the revenue sharing Resolution that the Board passed.

Mr. Howard: Okay.

Ms. Kirkman: Mr. Harvey, I'm just wondering... this letter from the applicant is dated March 30th. I'm wondering why it wasn't in our packet. It's just helpful to have these things ahead of time to review them, particularly when they contain technical material.

Mr. Harvey: Yes, I apologize for that. It's my understanding that this was provided to us on Friday but it did not make the mail-out. I'm not sure of the exact timing.

Ms. Kirkman: Well, something staff may want to consider, particularly around smaller pieces like this, is emailing out these documents if they come in after the packet has gone out.

Mr. Harvey: Yes.

Ms. Kirkman: That'd be helpful.

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Mr. Howard: Any other questions of staff before we hear from the applicant?

Ms. Kirkman: Yes, Mr. Chair, I actually have a number of questions.

Mr. Howard: Okay Ms. Kirkman.

Ms. Kirkman: The staff report states that the study demonstrates... and this is getting to what we were just talking about, the Route 1 access... to address site access deficiencies. Could staff speak more to what those deficiencies are?

Mrs. Baker: I was going to recommend that you all let the transportation engineer discuss that. They can give you more detailed information or technical information that...

Ms. Kirkman: I'm sure there's some technical information they can offer, but this is in the staff's report. And so I would like to know from staff's perspective what the deficiencies are. It's just helpful for us to hear from you all.

Mrs. Baker: I understand. And I apologize; the project manager is out of town so I am not as up-to-date on the information so I am going to again defer to Mr. Harvey if he has specific information related to the access.

Mr. Harvey: I'm not finding in the memo right away where that is cited but...

Ms. Kirkman: It's in the third paragraph.

Mr. Harvey: Thank you. In general, it's talking about the overall conditions of Route 1 which we know in the future there will not be sufficient capacity... or there will be insufficient capacity no matter whether this project is built or not. That's one acknowledgement that VDOT has. There are some issues or questions about the second access point, if it was to occur on Route 1. It doesn't meet the current VDOT spacing requirements. There remain to be some additional engineering and exceptions required should that access point be provided. So, there's still some question as to whether VDOT would allow it. We think they would but there may be some more technical issues that have to be worked out again dealing with spacing of intersections and other technical engineering aspects.

Ms. Kirkman: Who is the project manager on this?

Mrs. Baker: Mike Zuraf.

Ms. Kirkman: Okay. Well, I apologize Mrs. Baker that you're going to get asked a series of questions you may not have the (inaudible).

Mrs. Baker: Well, if it's related to the transportation, I will not be able to answer it most likely unless it's a general question.

Ms. Kirkman: Sure. Well, next the staff report says that the Traffic Impact Analysis relies on extensive roadway improvements. And when staff is saying that, do you mean roadway improvements that the applicant is going to do or that someone else is going to do?

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Mr. Harvey: If I remember correctly, the study recognizes that Route 1 is in our long range plan for widening to six lanes and also that there's a current effort with the Quantico Growth Management Commission to widen this roadway to six lanes. That would be something that would not be constructed by the applicant but was taken into consideration with the study. That would be something that would involve Federal funding. Some funding has been put aside for engineering for that widening, but full funding for that widening has not been secured yet.

Ms. Kirkman: What's the estimated cost for the widening and how much of the funding has been set aside?

Mr. Harvey: I'll have to check into that information.

Ms. Kirkman: And that paragraph actually concludes that even with these changes... even if all of these proposed improvements by others than the applicant... is this correct that the... it says the overall operations forecast to be considerably degraded even with the identified mitigation. So, does that mean even if everything is put in place, there's still going to be impacts from the traffic?

Mr. Harvey: I believe that means that regardless of whether this project is built, there's still going to be degraded traffic in the future condition. Based upon the growth that's anticipated at the MDIA building at Quantico, plus other background traffic that continues to grow along this section of Route 1, that was the acknowledgement that this project certainly will contribute to traffic in that area but even without this project, there is going to be traffic deficiencies.

Ms. Kirkman: So, without this project there will be deficiencies and with this project there will be additional deficiencies. There's an increment made by this project that is not mitigated for, is that correct?

Mr. Harvey: I don't believe that's the case but I think it acknowledges that there is going to be an overall deficiency regardless of whether this project moves forward with the rezoned portion of the property. Again, the traffic engineer can speak to that in more detail with regard to the overall numbers and if there's an affected level of service.

Ms. Kirkman: Then the staff report references the initial traffic study in 2005 and if there can be some elaboration on why that six year old study is relevant to this application and how that fits in.

Mr. Harvey: Well, with regard to the initial traffic study, that was done with a smaller project but was formed as the basis for this analysis. I know that during that time period there's been some changes that have gone on again with the MDIA building, as well as other issues with improvements to Telegraph Road and to Route 1. Again, the applicant can elaborate on that. I believe they've spent probably two or three years in discussion with VDOT about traffic improvements in this whole area. So there had to be a modification to the old study and there was a lot of debate over time as to what modifications would occur in this study... or what features would be shown in this study.

Ms. Kirkman: We talked about the access point to Route 1. If we could get some clarification about how many... like what the potential route of that is and how many parcels are affected, I think that would be helpful. I assume you don't have that information tonight, is that correct?

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Mr. Harvey: No we do not. We would have to take a look at that project because I don't believe that it's been engineered yet so we may not know. We may be able to give a general estimate.

Ms. Kirkman: Okay.

Mr. Howard: Can you just repeat that question Ms. Kirkman?

Ms. Kirkman: What the potential route of the access road... the second access point for Route 1 is from the project to Route 1 and how many... you know, what are the parcels that would be potentially impacted by that?

Mr. Harvey: Well, I guess I apologize Ms. Kirkman. We generally know the alignment we think would be the route because there's an existing road there today, but it's a private road.

Mr. Howard: And you've identified a business also so you must know...

Mr. Harvey: We can identify some of the parcels but we're not sure about all the parcels because, as you widen Route 1, you may have to widen on both sides of the road. And with turn lanes and tapers, we're not exactly sure we will be able to identify all the properties involved but we can take an estimate.

Ms. Kirkman: That would be helpful. And I was just wondering if staff could explain what it means when VDOT... because it's in your staff report... what VDOT means when they say a Traffic Impact Analysis is technically acceptable? Does that have a specific meaning within the Chapter 527 statute?

Mr. Harvey: Yes. It's my understanding that it meets all the criteria required for submittal and review of the Traffic Impact Analysis. The Traffic Impact Analysis was submitted pursuant to a scoping meeting with VDOT. So they, number one, look at all the technical requirements for submittal plus there's an agreed upon approach as far as what parameters they're going to look at as far as what future improvements you can count towards this traffic study, which ones you can't, what build-out that you're going to look at and things of that nature.

Ms. Kirkman: And then the staff report concludes that allowing for a connection of Corporate Drive from Telegraph Road to US Route 1 could serve to relieve the US Route 1/Telegraph Road intersection. I tried to find in the TIA where that conclusion is supported by some sort of analysis. Since staff wrote this, I'm assuming they based it on something. I'm wondering how you came to that conclusion.

Mr. Harvey: Generally, based on the factor that if you have an additional access point, that gives alternative routes for the people within the project to get out onto Route 1. So it could potentially allow people to either come out the main exit, the second entrance, as well as Telegraph Road. So, you're allowing three access points rather than two. So that may alleviate some of the turning motions at the Telegraph Road and Route 1 intersection.

Ms. Kirkman: But it's not coming from the Traffic Impact Analysis?

Mr. Harvey: I'd have to go back and look to see if that specifically called out.

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Mrs. Baker: The Traffic Impact Analysis does relate to all three access points, the one that's existing for your Corporate Drive with your intersection with Route 1, and then where Corporate Drive would come into Telegraph Road is going to be your second access. You would turn on Telegraph and come out at Route 1. So, in essence, you have an entire connection that's offset from Route 1 that's connecting from north to south. Then there would be an intermediate access point, the one that we're talking about, that would need to be constructed offsite.

Ms. Kirkman: Well, the way this is stated, it seems to imply that this will make that intersection better than it is now and I didn't see that in the Traffic Impact Analysis. I saw where it addresses some of the impacts of the proposed project but I didn't see where it actually improves the intersection. I don't know if that was the intent of staff.

Mr. Howard: My recall when Mr. Zuraf mentioned that was you could conceivably have traffic coming out of the base going through Corporate Drive avoiding the current intersection, the only one that exists, leveraging Corporate Drive and existing from that second entrance of Quantico Corporate Center. That's what I recall Mr. Zuraf indicating and I'm not sure if that's... Mrs. Baker, if that...

Mrs. Baker: That's what it's speaking to here.

Mr. Howard: Yeah.

Ms. Kirkman: But then you also have the additional volume from the proposed project and does that outweigh... I mean, that's why I was looking for it in the TIA.

Mr. Howard: Yeah, and I actually asked the question of where does Telegraph Road go to because he had brought that up as that could relieve some of that congestion. And obviously it goes right straight to Quantico but, sure, there would be additional occupants in the building that's proposed.

Ms. Kirkman: Then, in VDOT's comments, they note that without the connection to Route 1, the northbound a.m. peak hour left turn movements into the site cannot be adequately accommodated by the proposed left turn capacity at Telegraph Road and Corporate Drive under build-out conditions. So... we've got a lot of ifs and conditions regarding that access if they can get the right-of-way, if it can be funded... and I'm just wondering what happens if this rezoning gets approved and for some reason that access point doesn't go in? Because I don't know that there's anything in the proffers right now that addresses that.

Mr. Harvey: That was again staff's suggestion that the proffers consider addressing that issue.

Ms. Kirkman: And has the applicant submitted anything to address that?

Mrs. Baker: No.

Ms. Kirkman: No?

Mr. Harvey: Not at this point.

Ms. Kirkman: Okay. And the TIA recommended that Route 1 be widened to a six lane section through the project area. Has the applicant proffered to do that?

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Mr. Harvey: No ma'am. Again, as I mentioned earlier, the Quantico Growth Management Committee is working to do that as a project that'd be constructed through Federal dollars. They are currently engineering that.

Ms. Kirkman: Then VDOT noted that the text of the report and the tables in the report incorrectly noted a 10,000 square foot bank and a 267 room hotel where the proposal is for a 3,000... 3,600 square foot fast food restaurant, a 5,000 square foot bank with a drive-through and that sort of thing, so there was a discrepancy. Has anything been proffered about some limitations about what will be included in the project itself in terms of square footage of different types of uses?

Mrs. Baker: That has not been proffered but that issue was clarified in this letter that you all received at your desk tonight.

Ms. Kirkman: So nothing's been proffered about limitations about square footage of banks or certain uses?

Mrs. Baker: No.

Ms. Kirkman: Okay.

Mr. Howard: The only thing that I recall in the proffer was limited to one drive-through? Is that right?

Mrs. Baker: That's correct.

Mr. Howard: A facility with one drive-through.

Ms. Kirkman: And I actually had a question about that since you raised it Mr. Chair is it says it's limited to one drive-through but the GDP and the TIA have two proposed uses with drive-throughs.

Mrs. Baker: Well, the proffers would prevail on that if they're only allowed to proffer one. The final proffer does indicate the GDP is for... to illustrate certain proffers and to show the general parcel and internal traffic configurations so, in this case, the proffer would overrule the GDP.

Ms. Kirkman: And did they proffer the GDP itself?

Mrs. Baker: No, just the exhibit that if you look at proffer 21, these proffers refer to the GDP which is being used to illustrate certain proffers. So the GDP itself is not; the building locations, it continues to say, shown on the GDP are for illustrative purposes only. Except for the GDP attached to these proffers, any plan submitted as part of the zoning application or as part of the rezoning process shall be deemed illustrative only. And such plans shall not be deemed to be proffered.

Ms. Kirkman: So, the VDOT letter says that the Traffic Impact Analysis relies on "extensive roadway improvements and a second Route 1 access to achieve the overall Level of Service of D for the post-development conditions". So, and even with that, there will still be Level of Service F operations for each of the three signalized intersections.

Mrs. Baker: That's correct.

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Ms. Kirkman: So, even if the road improvements, which are not funded and not proffered, happen, we're still going to have...

Mr. Howard: Well, there are some road improvements that are funded, partially funded.

Ms. Kirkman: Partially funded. But we don't have any... none of these have been fully funded, is that correct?

Mrs. Baker: There's... go ahead.

Mr. Harvey: It's my understanding we're anticipating the turn lanes onto Telegraph Road and Telegraph Road improvements that will be funded, I believe, committed for funding this year and then the Route 1 improvements may take longer for those funds to accrue and get able to meet the threshold to start construction.

Ms. Kirkman: So, the turn lane funding has been approved as of this point?

Mr. Harvey: Let me go back and take a look at some of the information here.

Mr. Howard: Mrs. Baker, while Mr. Harvey is doing that, what's the current Level of Service on... there's only two existing intersections there today.

Mrs. Baker: I'll have to look that up.

Mr. Howard: Okay. I think...

Mrs. Baker: The engineer could answer that just quite quickly if you would like to ask them these questions.

Mr. Howard: You've mentioned that once or twice.

Mrs. Baker: Well, they're the experts and that's why they're here.

Mr. Howard: Right; that's why they're here.

Mrs. Baker: Are you sure you wouldn't like the engineer to address that?

Mr. Howard: Yeah, well, I can wait for the engineer. Thank you.

Mrs. Baker: I mean, he can answer this right now so that you can continue with your questions.

Mr. Howard: Sure, while Mr. Harvey... well, you know what? I don't know if there's any other questions that any other Commissioners have for staff before we bring him up. Mrs. Hazard?

Mrs. Hazard: I guess I have one and this is probably an education. But on the second page of the staff report, in that second... well, I guess it's really the second paragraph down, we talk about your all's response about that we thought that the traffic study estimates might be too low and I'm sure, you know, that we're going to have more response on that. But I guess my concern is the sentence that the

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applicant is required to use prior studies that are still determined to be valid and cannot provide their own projections. I guess what troubles me about that is we've even discussed that there may be improvements that have come along to Route 1, oh but that happened and that's not in a valid study. We can't even accommodate that. Or, here is how the BRAC building went on and here is the new traffic projections. I guess it's more of a policy or a concern of using the most valid studies as we've gone on. And I understand it's very hard to take a snapshot of that so I'm not trying to... I guess I'm just trying to throw that out there as if we have better and available information as time goes on, it appears here that there is some reason that they are limited to that. And that may be just something for education from my perspective with VDOT but that's of concern to me if we finally get to this in four years from now and we've had improvements and we can't take that into account or the other way we've had something built that's generated a lot more traffic and we can't account for it. So, maybe it's more of a comment, but just a concern and I just wanted to throw that out there.

Mr. Howard: Mr. Harvey?

Mr. Harvey: Mr. Chairman and Ms. Kirkman, I can't find the citation now but my recollection is that there's a defense access road project for improvements to Telegraph Road and the intersection of Route 1. I seem to recall that it was around \$7 million and I believe it was going to be funded in FY12 and construction in FY14, but I can check that and get back to the Commission on that.

Mr. Howard: Thank you. Okay; any other... oh, you still have some questions?

Ms. Kirkman: I do because I'm very concerned about this... the traffic impacts and I just want to turn to page 81 of the applicant's Traffic Impact Analysis just so we can get absolutely crystal clear about what's needed and how it's going to be provided. I'll give staff a chance to pull that up.

Mr. Howard: Mrs. Baker, do you have that with you this evening?

Mrs. Baker: The traffic analysis?

Mr. Howard: Yes.

Mrs. Baker: Yes.

Mr. Howard: Okay.

Mrs. Baker: I'm going to have to find page... 81?

Ms. Kirkman: Yep. So, this is scenario two which includes the potential US Route 1 entrance, which there seems to be some agreement between staff and VDOT that that is the preferred scenario. And these are the improvements that the traffic... the applicant's Traffic Impact Analysis identified. The first directly related to the Quantico Corporate Center rezoning is construct a westbound turn... right turn lane along Telegraph Road. Did the applicant proffer that?

Mrs. Baker: It's not specifically written into the proffers but they have proffered to do the suggested improvements as spelled out in the traffic study. Look at the proffers, which you all have in your packages, under proffer 17, if approved by VDOT and the County, the owner shall construct the transportation improvements as indicated in the Traffic Impact Analysis, including a 200 foot right

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turn lane taper and a 200 foot right turn lane. The owner shall dedicate land as proposed right-of-way along Telegraph Road. So, the turn lane from Telegraph into Corporate Drive would be borne by the applicant.

Ms. Kirkman: Then, the next set of recommendations is for the cumulative impact of both this project and other proposed development in the area and growth. So, widening US Route 1 to a six lane section through the project study area, and I think we've determined there's potential for future funding but the applicant is not proffering that, is that correct?

Mrs. Baker: That's correct.

Ms. Kirkman: The second is US Route 1 and Corporate Drive intersection, this includes constructing a third eastbound left turn lane, convert the existing eastbound shared left lane... left and through lane at Corporate Drive to a shared left through right turn lane, and then there's some standards here. Has the applicant proffered any of those improvements?

Mrs. Baker: As you can see in the proffers, what they proffered is number 17 which is the ones on Telegraph Road, proffer 18, owner shall diligently pursue approval of all permits necessary for the construction of transportation improvements, including the issuance of all necessary permits by VDOT. Number 19, owner shall provide inner-connector road access along Corporate Drive to connect to the Quantico Corporate Center. So that's onsite. And then the sidewalk shall be installed along one side, Corporate Drive, to connect with the existing sidewalk along Corporate Drive and along one side of Telegraph Road. So that is what they are specifically proffering.

Ms. Kirkman: So they have not proffered these improvements that are needed at US Route 1 and Corporate Drive?

Mrs. Baker: Not specifically within the proffers, no.

Ms. Kirkman: Then it calls for improvements at the US Route 1 and Telegraph Road intersection and based on what you read to us the applicant has not proffered those?

Mrs. Baker: That is correct.

Ms. Kirkman: It also recommends a number of improvements regarding to this potential US Route 1 entrance intersection and we don't have a proffer regarding that.

Mrs. Baker: Not specific, no.

Ms. Kirkman: Okay, thank you. That's all my questions Mr. Chair.

Mr. Howard: Thank you. Any other questions of staff before Mrs. Baker asks the applicant to come up? Okay, we'll hear from the applicant now.

Mr. Shalaby: Good evening Mr. Chairman and members of the Planning Commission, my name is Samer Shalaby. I'm with Development Consulting Service; I'm here on behalf of Quantico Corporate Center. Last time we talked, I guess the previous public hearing, we discussed some of the issues and traffic was the big one. We met with VDOT to go over some of the concerns and in your hand there is

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a response, I guess, the one that Jeff just sent out, that has the comments from our transportation engineer and he'll be up here shortly to kind of talk about everything there. I wanted to comment on a couple quick items, one with regard to these studies. We had a lot of discussions. The study that's referred to here was the MDIA building study. They allocated the traffic patterns, basically what's coming on Telegraph Road, what's going to Russell Road, and when we came to start or to modify our study, we kind of had to start with something. We said okay, can you guys give us the traffic reports that are there and we kind of used that as the basis. We did not go and run a new traffic study for them; we kind of used what they submitted to VDOT and to the County, and we used that as the basis. So that's why there's some reference, because some people indicated that maybe that's not very accurate, maybe it's not... the numbers are not conclusive but, unfortunately, that's the only thing we have to go by. And that's what we used. With regard to the turn lanes, we've had a lot of discussions over the last probably five or six years about roadway improvements, particularly on Route 1, and some of the recent improvements that refer to, Ms. Kirkman, refer to at the end within the study which basically talks about Route 1, the reason we did not proffer that or go through a lot of effort on those items because of the discussion of the widening improvements are happening throughout 1 within that project, Federally funded project. So, it didn't make any sense for us to say well, we're going to build a turn lane here when we don't know ultimately how they're going to design all the entrances and all the turn lanes. However, we don't have a problem mitigating. If there are any true impacts from our study, our traffic, we'd be glad to contribute towards those turn lanes. But that was the reason why there was not a lot of detailed proffers for that because no one knows ultimately what it's going to look like. Let's see here... With regard to the GDP, there was some question about a drive-through. Actually, the GDP that's submitted shows no drive-throughs. It actually, when we first started the discussions with the County and to submit, we had a bank site on there that we had showed and we had also a restaurant, and that was the discussion that we had about having maybe two drive-throughs, maybe one drive-through, and some of the analysis were done or run with drive-throughs to see what the impact is. However, as progress has occurred, we actually replaced some of those items with an office building that's shown on the actual GDP. So there's really no drive-through shown at all; however, we said let's limit it in case something... again, that GDP, we don't have all the tenants ready to go so we said let's go ahead and leave a drive-through there in case we need it and that's why it was studied and analyzed on that basis for two drive-throughs but we just limited it to one. But there's actually none shown on the plan at this point. That's the reason why also we did not proffer the GDP because, unfortunately, it is changing a little bit depending on how, you know, the users that we are talking to. Anyway, that being said, unless there are any specific questions on some of the things I talked about, I'd like to bring up John Riley. He's with Kimley-Horn, he's the one that's been working on this project for the past probably seven years now so he's done previous studies, later studies and hopefully can answer any questions you have. And if there's anything else, I'll be glad to answer it.

Mr. Howard: Thank you.

Mr. Riley: Well good evening again, John Riley with Kimley-Horn out of Richmond. Are there any new questions or should I go ahead... I took a pretty good list of notes.

Mr. Howard: Well, why don't you try and answer what you've heard and then I'm sure we can come back to you.

Mr. Riley: Okay. Let me just open with a couple introductory remarks about the study. It was approved in terms of the methodology by a scoping meeting with VDOT and the County, and we did our very best to understand the background studies for the MDIA project. And also there was a multi-

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modal study done on Route 1 and we tried to blend all of these previous studies together that had been accepted to make sure we were consistent, and also, a lot of the assumptions from our study five years ago for Quantico Corporate Center. Some of the conservative aspects of our study, the analyses that were conducted and the trip generation numbers that were used are actually about 40% higher than what's shown on the GDP. So, since the time of scoping until the time of the actual submittal, the plan has changed somewhat and been modified and the result is that the submittal that's in before you is quite a bit less traffic intensive than what we analyzed. So that gives a measure of conservative buffer if you will to what's reported. We used a very modest internal capture percentage; we used 10% of the proposed uses going back and forth on Corporate Drive within the site. No pass-by traffic, so if there were to be something with fast food, we've assumed every trip to that fast food use would be a new car coming into the network, not a car diverting off Route 1 or back onto Route 1 that was already out there. So that tends to maximize the numbers. I don't know if there's anything proffered for transit but certainly if the area builds out in accordance with the vision that's been talked about, perhaps one day transit might serve the area. We took no transit deductions, no trip deductions for transit, to be conservative. And we looked at a very long horizon, year 2018, as a first horizon year and 2024 as a second horizon year. And frankly that corrects what was maybe an overly ambitious build-out that was previously studied. And we brought all the traffic from the past Quantico Corporate Center and the MDIA building all together and projected far out into the future for this particular study. And then, what I would refer to as a little bit of a wild card is that between scoping and submittal of the study, the hot lanes project was kind of on again/off again and now it's on. There's been no attempt to reduce traffic on Route 1 that might jump over to the hot lanes one day and I think it's quite feasible that those could be in place at or before our horizon years that we studied. So, those are some things that we wanted you all to understand going in. As far as our mitigation goes, yes we're going to build the full turn lane on Telegraph Road. That's really our entrance. People are talking about the second entrance on Route 1... well, we're building a second entrance here. The Route 1 entrance is really a third entrance so just let's not lose sight of that. Our entrance is technically the second entrance for the overall development. We do meet access management spacing on Telegraph Road. We meet site distance criteria. There was some concerns from different folks through this process at VDOT if site distance was met, but there's been some documentation submitted to... engineering documentation that shows that. We do provide a completed link although, and I'll talk about this later, our study doesn't attempt to divert a lot of trips coming out of Quantico through our site and try to paint a picture that we're creating a diversion around Route 1 or Telegraph. While certainly that could happen, we have kept traffic much the way it is today in terms of the use of Telegraph Road and the Route 1/Telegraph signal. In this project, with that connection is a step in the direction of the Boswell's Corner Redevelopment Area which attempts to create a vision of a grid transportation network. I wrote down I think 16 different things that I heard; some of them were answered but where I think there may have been a lack of an answer or some clarity that I can add, I will try to hit on those. Ms. Kirkman, you asked about deficiencies to access. I think that was just a general term that was used to highlight where there may be deteriorated Levels of Service and so I don't think it referred to engineering issues per se like sight distance or vertical curves or anything to that nature but we could revisit that if you feel like that's still an issue.

Ms. Kirkman: I think that was in staff's report so I think that's where we would need to hear from the planner in terms of what his thinking was in that language.

Mr. Riley: Okay. I think a lot of the questions about what the applicant is providing in terms of roadway improvements and what is being relied upon for others to do has been clarified, so I don't know that I can offer anything else there. Yes, Levels of Service do... at Telegraph and 1, they do

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move to a lower Level of Service than is there today. Today at Telegraph and 1, if you're familiar with the signal, there's no protective left turns which means there's no left turn arrows. So the signal doesn't have as many phases and keeps traffic moving and actually operates a very good Level of Service today; I believe it's A in the a.m. and B in the p.m. The improvements that are contemplated there would address traffic but they'd also slow things down a little bit with the addition of left turn arrows. But the left turn arrows are called protected left turns because they protect you from oncoming traffic and they eliminate the issue of turning in front of somebody on a yield condition and possibly having crashes. So I think that's a necessary safety improvement in the future. The Levels of Service that I'm referring, Telegraph and Route 1, the A and the B, those are on page 55. Page 57 has Levels of Service for Route 1 and Corporate Drive; today they are B in the morning and E in the afternoon. And the important difference also to note between the two intersections is that the cycle length at Corporate is much longer than the cycle length at Telegraph. The cycle length at Corporate Drive today is about, I think it's 145 seconds long. Traffic for an individual movement goes to an F if you're delayed more than 80 seconds. So it's very feasible that someone could pull up to the signal at a red and sit for 100 seconds and be an F but then get through the signal on the first green. So I think most drivers' expectation is to get through the signal on that first phase. It just happens that on a busier corridor like this, you're going to have a longer cycle length than people in some movements and if it's timed right, it's the lesser priority movements will exceed that 80 second threshold. So, there was a lot of discussion about overall Levels of Service meeting a D or better, but individual lanes breaking down to an F and that's frankly not a surprise. I think if VDOT were here they'd say the same thing. And I believe there are only two instances in the whole network of all the analyses we did where vehicles might require that second cycle to get through. So, in looking at the numbers and the details, F appeared to sound like a lot of issues but after you get into the details, I think it's an acceptable F given the magnitude of traffic and the movement of the higher volumes through the intersections.

Ms. Kirkman: My concern is we still have residents along Telegraph Road and I think what I'm hearing is that that intersection is going to move from an A in the morning and a B in the evening to much lower Levels of Service.

Mr. Riley: I mean, the projection in 2024 with all the build-out of improvements is that it's a D in both scenarios. So, in a lot of parts in the County D is great. I think it's a matter of what you've got today and what you want to see in that area in the future and what sort of balance you're willing to strike in terms of development (inaudible).

Ms. Kirkman: Sure, and I'm thinking about the residents that live there right now.

Mr. Riley: Yeah, I understand. And Telegraph has got another way out, too, to the south. Potential alignment and parcel impacts, I can't answer that. I think Mr. Harvey was going to do a little bit of research on boundaries and so forth. I think it's single digits; if we go from memory, two or three potentially, but I'll let him... that'll be for him to answer. A question about why was the previous traffic study relevant to this application, I think simply because we're connecting to it and so the two developments are really becoming one larger entity and so they need to be tied together. The assumptions need to be consistent and they need to be looked at as one whole package, even though our rezoning application is, in fact, distinct from that, from the previous zoning effort.

Ms. Kirkman: Excuse me, before you go on.

Mr. Riley: Yes.

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Ms. Kirkman: And you may want to refer to Samer on this but one of the reasons I asked that is I believe I read either in the staff report or something from the applicant that this rezoning application and the proffers will wipe out the proffers from the first rezoning. And so...

Mr. Shalaby: I don't think that's intended. I don't recall if that's listed anywhere but typically it would not do that because these are the proffers that are going to go only with these particular parcels only; they do not affect whatever proffers are on the rest of it. Is that correct Jeff? That's typical, so...

Mr. Harvey: Yes, it would only affect the part that's currently zoned M-1, Light Industrial, those proffers would be eliminated and then take on the new proffers with the B-2 zoning.

Ms. Kirkman: So there are some that are eliminated from the 2005?

Mr. Harvey: Just for that small portion of (inaudible).

Mr. Shalaby: There is a little point, if you look at the plan, there's an M-1 piece, there's a point that goes down, I think it's maybe two acres or so, three acres, that's the point that we basically get to square off the parcel. Maybe that would impact that but that's really, you know, I don't know if that really matters too much with that particular area.

Ms. Kirkman: Well, could we get what are the proffers that are being eliminated?

Mr. Harvey: Certainly, we'll provide those.

Mr. Howard: But if any; there may not be any.

Ms. Kirkman: Well, no, he... there appear to be some.

Mr. Shalaby: The proffers... basically there are mainly... because this was done at the time that the County was working on a rezoning for the overall and it was mainly for architectural office, no noxious uses. So it's pretty lame, you know, our least standard proffers (inaudible).

Mr. Riley: There's a question about the technically acceptable term; I think Mr. Harvey correctly answered that. Just that it met the criteria from Chapter 527 scoping. I already talked a little bit about our traffic study did not specifically talk about diversions of traffic around Route 1 and Telegraph. Certainly traffic varies every day and there may be days where Telegraph gets worse or better than what was reported herein and in that instance the connection creates one extra way for people to move around in the area and be a little bit more mobile. And I think that's a good thing.

Ms. Kirkman: Could I ask a question regarding that?

Mr. Riley: Sure.

Ms. Kirkman: And, again, if you need to pull Samer back up. I know that in looking at some road improvements I believe along Onville Road, at one point one of the concerns of the Marine Corps Base at Quantico was that with deteriorating traffic conditions people would begin to actually, if Onville Road were improved, that people would actually cut through the base to get over to that part of 610.

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Was there any discussion with Quantico about the traffic impacts or whether or not creating this connector to Telegraph from 1, if that's gonna...

Mr. Shalaby: We've had some no specific discussions on that particular item, but I've had some discussion with some of the people with Quantico in general and they were just basically glad to see their concern about Telegraph Road particularly, because obviously again, not knowing what the traffic pattern, how many people are going to come down from MDI building, so that just gives another relief now instead of coming to one light at least there's a possibility to break the traffic. If people are going south, they'll go straight down Telegraph. If they're going north for some reason, they'll go up to the other entrance. But there was no specific concern about whether there's a cut-through through Quantico or not.

Ms. Kirkman: Okay, thank you.

Mr. Riley: The question about the lack of left turn, northbound left turn (inaudible) of Route 1 and Telegraph, certainly the improvements there are going to be needed. And we concur that without improvements, there will be deficiencies but with improvements they can be accommodated. I think it's already been clarified a couple times that the applicant's not proffering to widen Route 1 nor at this time are there any proffered limitations on square footages per se although, again, we've estimated what is now about 40% higher than what's on the current GDP in terms of traffic. Some of the other questions I think have already been answered. I talked about the Levels of Service at existing intersections. I was confused, Mrs. Hazard, by your... I think you had a question but then clarified later it was more of a statement about if projects come along after this study is done, how do we... is there a mechanism to see what impacts or benefits they have. Is that what you were asking?

Mrs. Hazard: Sort of. I guess it goes back to really when the VDOT scoping meetings are done and then the parameters of a study are created, and then a huge project like this can be two, three, four years before we get to seeing the things and then it sort of seems like was have the gap. And I'm not saying I actually know the answer to that but I think it allows us to have more current information like if there was an improvement at one of those intersections, how do we account for it. And I guess it's that fear of not having current enough information that we're really looking at what's really going to happen there. And I'm not sure I have the answer but I struggle with that comment in here because I want to make sure we're looking at the most accurate information we have.

Mr. Riley: Well, I'll tell you, I think to the applicant's credit, typically we only study what is funded and approved. In this instance there was so many things being talked about and that had been talked about for a long time and there were so many deficiencies if nothing gets done, that it was only prudent to go ahead and include those in the study. And so, it gives everyone here a snapshot to understand... rather than be here and say, well, things are going to break down on Route 1 and have no answer at all, now we know the impacts of what's coming and I'm not aware that anybody else did a comprehensive study. And I think it's to everybody's benefit that that's been covered, the expense, the time, etcetera, by the applicant in this instance. And so now we can look at what if Route 1 is widened? What if this Telegraph Road/Route 1 improvement project comes through? What if the additional entrance on Route 1 comes through? All these what ifs we know what the benefits are now. So, hopefully, we can all make a better decision. Mr. Harvey was going to look at the DAR project and I think that's it. That's the end of my list. I might have generated another 16 questions but I'll be happy to address them if I have.

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Mr. Howard: Are there additional questions for the applicant?

Ms. Kirkman: Yes, I just need a couple clarifications of the study itself.

Mr. Riley: Sure.

Ms. Kirkman: You said the MDIA traffic study was the only thing to go by. Does that mean the most recent VDOT traffic counts and Level of Service are not part of this study? I mean, how does that figure into this?

Mr. Riley: We did not use MDIA counts; we used some of the data that was in the US Route 1 multi-modal study that I believe was either financed by the County or the MPO or both. But...

Ms. Kirkman: And what year was that study?

Mr. Riley: I could go look it up; I think it was '08. In any instance, if we used data that was a year or two old, we bumped it up and it was discussed and agreed upon through the scoping process. But we did do updated counts at 1 and Corporate and verified, okay, what is the new traffic today, and also verified the trip distribution and discovered that the split that we assumed five years ago was very, very close to what is actually happening today. It's roughly a 50/50 north/south split.

Ms. Kirkman: And the internal capture rate of 10%, I'm familiar with that concept when it comes to mixed use developments.

Mr. Riley: Sure.

Ms. Kirkman: I haven't seen it used too often in commercial developments. What is that 10% based on?

Mr. Riley: It's 10% of the lower of the two developments, ours compared to the greater Quantico Corporate Center. So, certainly the greater Quantico Corporate Center is much larger so we took 10% off of ours and...

Ms. Kirkman: Let me rephrase... how did you come up with 10% versus 8 versus 5 versus 15?

Mr. Riley: Ten percent is a fairly standard rate and I don't have VDOT's guidelines here in front of me but, at the initial scoping meeting, it was decided that seemed like a reasonable number given that you have a massive amount of office and workers and, really other than what we were proposing, no supporting potentially retail or other uses. So, one out of 10 of our trips seemed to make sense. Is there a scientific study? I don't have one. But it does fall within the range of the current 527 guidelines.

Ms. Kirkman: And part of the reason why I'm asking that is one of the things... and I've tried to read through and understand the TIA as best I can... one of the things that I just can't figure out is how the study did not come to the conclusion that Telegraph Road itself needs widening, because you're talking about placing a major commercial development on a small road.

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Mr. Riley: Well, our trip generation projects just under 4,000 new trips a day. Some of those will use Corporate and go out to the Corporate/Route 1 signal. The majority will use Telegraph. There's already some background development on Telegraph from existing base traffic and a very small amount of local traffic that... you know, residences and the apartments and so forth. And then there's the MDIA building. In past studies we've looked at 10,000 vehicle trips a day as a planning level threshold when widening should be considered to go from two to four lanes. And using our assumptions for assignments of trips that were agreed upon at scoping, using the MDIA traffic study trips that were agreed upon at scoping, background growth, all of those things, none of them pushed us over that limit. We could make a lot of arguments about what the real MDIA traffic will be. All I can say is I know that millions of dollars of improvements were made to the interchange to keep that traffic off of Telegraph and I think, at the end of the day, everybody that was part and parcel to scoping and reviewing this study had no objections to the numbers that were in there.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Are there any other questions from any Commissioners for the applicant while they're here? I have a couple questions. It was mentioned that you didn't include any transit in your numbers. So, what you meant by that is you're at full capacity in terms of vehicles that if some type of transportation network opened up and Quantico Corporate Center could benefit, that would actually reduce the number of vehicles at some point.

Mr. Riley: That's correct.

Mr. Howard: Alright. Do you think the applicant, and I know you can't answer this, would be willing to put in the proffer some type of transit, you know, bus stop or shelter where we've had other applicants that have done that in the past where they've...

Mr. Shalaby: We have actually discussed that quite extensively and talked to the VRE... not VRE, I'm sorry... the FRED about coming up and one of the things that we have looked at is at the front where the commercial building is at the entrance, Navy Federal, is to potentially put a bus stop there. We haven't quite finalized; obviously they want to make sure there's enough mass there to bring...

Mr. Howard: I don't think they would... I think this is one of those things I think you have to build it and they will come.

Mr. Shalaby: Yeah, that's the thing, but also you want to make sure once there's enough buildings and enough people they might, but there has definitely been discussions there so we're not objecting to that. It's just a matter of again we're not sure how the mechanics... I don't want to say I'll build a station or we build us a bus stop and obviously we can work with them on that.

Mr. Howard: Right. And the M-1 zoning parcel that you mentioned was I guess a rectangular shaped piece of property.

Mr. Shalaby: Correct.

Mr. Howard: That's taking a portion of another parcel that will remain M-1?

Mr. Shalaby: Correct. The rest of...

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Mr. Howard: That proffer is likely conveyed with that entire parcel.

Mr. Shalaby: I don't think it has because we are... it is defined by metes and bounds of a particular area. But that's something we can check on and, you know, if we need to adjust that obviously somehow we can do that.

Mr. Howard: But you're willing to leave that proffer in place and (inaudible).

Mr. Shalaby: Absolutely. It was not intended to over... you know, do anything, we just wanted to clean up that one area. But, yeah, we can change the language or modify it in some way if it's necessary. So if someone can let us know the legal aspects of that obviously we can leave it.

Mr. Howard: Okay.

Mr. Shalaby: Anything else?

Mr. Howard: That's it... I think that was it. Okay. We'll now open up the public hearing for public comment on the item that's before us which is the reclassification of Quantico Corporate Center, RC1000338. Anyone wishing to address the Planning Commission... and again, as I stated earlier, I will allow those who have addressed us previously to do that again so it's fresh in all of our minds... can do so by stepping up to the podium. We just ask that you state your name, address and recognize that when the green light goes on you have three minutes to address us. We will not answer you directly. In general, we'll try to get you some answers if we can. When the yellow light goes on you have a minute left. When the red light starts to flash we ask that you conclude your comments and allow the next speaker to address us. Anyone wishing to address the Planning Commission may do so now.

Mr. Waldowski: Paul Waldowski. Thank you for letting me re-address this issue. It's what we do not know about this project that's the scary thing for this County. You've heard all the deficiencies. You've heard about what I call favoritism. There's no such thing as cooperation between an applicant and the County when we only have 600K that's available. You've heard that we're going to be allotted \$7 million in FY12 and if you look at the other end of the base, look at what Prince William County had to deal with. And they're still working on that widening project plus they had to buy out all those businesses and they moved to another aspect. As you heard earlier, you know, Boswell's Corner is not even on your UDA projected last list from the Board of Supervisors and this applicant does not own the property. And when you have unknowns then you have situations that we have in other counties like the Central Park project, or my favorite is the one is Spotsylvania where the guy has the house and it just sits there and let's all the other development go around it. Now I know we need progress and what's going on, but this is a classic case of the cart before the horse. You've got Aquia Town Center that's sitting there and other empty buildings in this arena and here you are trying to push forth 15 acres. You have no idea what storm pond impacts are going to have on this aspect. And I've been here 21 years and I predict that in the next 10 years you're not going to have six lanes on US 1. All you have to do is look at other projects in Virginia, especially road projects up in the Springfield interchange. You can see it takes a decade. And to have someone sit here and project what's gonna come out in 2018 and 2024 is just ludicrous. And I always hear this term from other people answering things, thinking is a good thing but thinking is subjective and you need to substantiate objectively by using the right data at the right time to make the right decisions. Thank you.

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Mr. Howard: Thank you. Anyone else wishing to address the Planning Commission may do so by stepping forward. Seeing no one else advancing towards the podium, I will now close the public hearing... public comment section anyway... public comments on RC1000338 which closes the public hearing portion. Now I'll bring it back to the Planning Commission for discussion.

Ms. Kirkman: Mr. Chair, I believe we need a motion. At this point, what I'm going to do as the representative for that district is make a motion to defer this to our first meeting in May and then, if there's a second then I'll say the things that I think need to be addressed in that time period.

Mr. Howard: I'll second for discussion.

Ms. Kirkman: Mr. Chair, as I'm sure people are clear, my primary concern about this project is the traffic impact and the number of things this is conditioned upon. And so I think in the proffers these are the broad areas that we need to see addressed. And we can talk about the process for addressing them in a minute but some kind of phasing plan that looks at some limitation on square footage or types of buildings or something based on the other traffic improvements happening... some kind... because it's... you know, understanding the applicant needs some flexibility in the use is dependent on potential future buyers or leasors or however you're structuring that arrangement, but still needing to know some caps on the square footage of different types of uses, which is now not part of the proffers. Perhaps look at proffering some kind of alternative solution other than having the County having to go through the eminent domain process if you're not able to acquire on a voluntary basis the right-of-way needed for the third access point. I just... I cannot support the use of eminent domain for private development projects so I would really like to see something in the proffers to address an alternative if that cannot be voluntarily had. And then I agree there needs to be some sort of proffer around a bus shelter because, at some point, even though it may not be FRED or PRTC or whatever service that that... there needs to be some space set aside for that connected to the project. So, right now, without having had a chance to go through all the materials, those are my four major concerns.

Mr. Howard: Okay, I'll allow others to have discussion even though I seconded it. Any other discussion? Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I will not be supporting Ms. Kirkman's motion. I've always been a strong proponent of business; I've always supported business. I've worked with Mr. Shalaby on several projects and several other members of the group and they've always done a good quality job, they've done what they've said they were going to do; I've never seen them back up on anything. They've clearly said tonight they would gladly work with a bus stop, FRED stop, whatever you want to call it. I think that is a given. It would benefit them as much as it would benefit the people that worked in the area. This is a project that will provide a number of issues; it will provide construction jobs, it'll put people to work that are presently unemployed, carpenters, electricians, plumbers, steel people. It'll help the entire area as far as people buying 2x4's, lumber, nails, nail guns, things like this. It'll put people to work who will work in these facilities. I see the Corporate Center as a boon to Stafford County. In no way do I think it is a bad project. I do not support dragging it on again and again and again and just stretching this thing out to the bitter end. So, me personally, I will not be supporting her motion because I wish we could either vote it tonight. Thank you Mr. Chairman.

Mr. Howard: Thank you. Any other comments from Commissioners? Mrs. Hazard?

Ms. Kirkman: Mr. Chair... well, go ahead.

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Mr. Howard: Yeah, I'll let everybody go at least once. Go ahead Mrs. Hazard.

Mrs. Hazard: I guess I'm still trying to make sure that our language in proffer 17 is the strongest that we can make it. I right now, off the top of my... off the cuff can't make it better. I too support this project, but I also want to make sure that if there is some issues with how we go forward with VDOT that we do have some alternatives or options available to us. Unfortunately, I will say I don't have the solution right now but I'm just looking at that proffer 17 to make that maybe... I don't know if it's really that it's stronger but to make sure some things that are if approved by VDOT and the County, sometimes going forward we need to make sure what's the alternative if the if doesn't go forward.

Mr. Howard: Right. Mr. Fields?

Mr. Fields: I'll also support the deferment. Certainly I think everybody thinks that... I don't think anybody thinks it's a bad project. I think... we're always under it's the reality of the situation that in the proffer... the rezoning of a property is the only possible time you have to negotiate all of these mitigation of these conditions. Even if it's a good project, it has conditions that need to be mitigated. So, taking the time to make sure that everything that's going to be in the public's interest in that part of the County is dealt with I think is a valuable use of our time. It has no... in my mind, I don't think in anybody's mind, it is not a reflection on our opinion of the project or the people involved.

Mr. Howard: Thank you.

Ms. Kirkman: Mr. Chair, I don't know if this is the appropriate time but I wanted to talk a little bit about what I think might be a process for doing this because that may help people make some decisions here. What I think might make sense of the process, and I'm certainly welcome to suggestions from staff or from my fellow Commissioners, is to have staff and the applicant sit down and come up with some tentative language about the proffers, then hold a meeting with myself. And I would like either Mr. Rhodes or Mr. Fields as the two other Commissioners that have really looked at transportation issues to also be present at that, to discuss the proffers and then do some... leave some time for some back and forth to work out the details so that we can come back for that first meeting in May with something that's really nailed down.

Mr. Howard: Thank you.

Ms. Kirkman: And then maybe staff, in the meantime for our next meeting, there were a number of pieces of information they were going to get to us and perhaps if they could get that to us by the next meeting.

Mr. Howard: Right. Yeah, I appreciate that comment. I'm also a strong believer that this is a good project. I think... I know the applicant well and, to Mr. Mitchell's point, this applicant really has never ever reneged on anything that they have said either verbally or in writing, you know, which is good. It's a pleasure to have an applicant continuing to do work in our County who has the respect I think of our County and all those who live in the County. And I know that that's truly the intent and the spirit under which they operate. But I don't think Ms. Kirkman's request is unreasonable and I think that there are some solidification of the proffers that I think you would want to have occur as well before this gets voted on. So it's clear to you what you're signing up for, it's clear to the County what the agreement is, and there's clarity. And there's been a lot discussed, there's been an awful lot of work. I know the applicant did a tremendous amount of work in terms of the traffic impact themselves and I do

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appreciate that because it helps us all be better informed and make better decisions. There's no question that that corridor in Stafford County can be very valuable in terms of jobs and long term careers for people who live in Stafford County and that is a goal of the County to have that occur. And this helps us facilitate that goal. But we have to do it in a way that's as smart as possible and I think that's all that's being suggested here this evening. I will support Ms. Kirkman's motion in the hopes and anticipation and the process you take as the Commission that represents that geography is your choice. It always is the choice of the Commissioner who is the magisterial... you know, has magisterial sort of responsibility for that particular area to meet with the applicant and she's made that clear. Publicly she wants to do that and think that's fine to do... and having staff present there as well so everyone understands what it is that's being discussed. So I'll support it in the hopes and anticipation that we can have a vote on this at the next meeting which would be April... oh, we're in April.

Ms. Kirkman: Yeah, I had suggested... my motion was for the first meeting in May.

Mr. Howard: May.

Ms. Kirkman: Because I do want some time both for staff to get the information to us as a whole and also to have sufficient time for some back and forth with the applicant.

Mr. Howard: So it's not the next April meeting? I guess I misunderstood the motion.

Ms. Kirkman: No, the motion was for the first meeting in May.

Mr. Rhodes: I believe that's 4 of May?

Mr. Howard: Right, May 4th. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, again I will not be supporting this. I support the project, I do not support the deferral. I do not want this to be a delaying tactic. I want something constructive to happen. I do not believe that every proffer, every proffer cannot be agreed upon. There are two sides. I believe Sir Winston Churchill said the art of politics is the art of compromise. I do not believe that everything Ms. Kirkman wishes is going to happen. If, in the event, eminent domain is required, I think this would be a good case for eminent domain, in a case where we do put people to work. I do not anticipate that every proffer will be a solid proffer that would help the County. Thank you.

Mr. Howard: I appreciate that, not everything is (inaudible).

Ms. Kirkman: Mr. Chair, I have to say I resent the implication that this is a delaying tactic. This is not a delaying tactic; it's a matter of acting responsibility on behalf of the citizens of Stafford County to ensure that the impacts of this project are appropriately mitigated.

Mr. Howard: Right, Ms. Kirkman, I've already indicated that. Thank you. We typically don't... we try not to address one another when we can. Mr. Rhodes, I think you were about to say something.

Mr. Rhodes: I just wonder if we wouldn't have the opportunity to try and get this addressed next time versus giving it... you know, it's an extended time till the first session in May, if we were able to meet

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fairly promptly and start having some of those discussions, if we wouldn't have the opportunity to get this done in a couple weeks' time.

Mr. Howard: Yeah, that's the thought I had too. Actually, I thought originally that was the date, the deferral was to the next meeting. Just a comment that was made about the eminent domain; I think if you're that property owner and you're sitting here watching this unfold, I mean, there has to be a ceiling under which we would expect every applicant. There's no endless source of income for anybody and my expectation would be that this applicant before us today would probably need some help and assistance just because of the sheer value that the current property holder probably recognizes that they may have. And I think that makes it cost prohibitive. It may, it may not; I'm not sure. That's where eminent domain comes in and helps and kind of solves that issue for people, it gives a fair market value. So, any other comments? Mr. Hirons? You've been quiet.

Mr. Hirons: Yes I am. I'm supporting the motion although, along with my fellow members, I support the project as a whole in the long run. But there was some good information discussed and some serious questions asked and the Commissioner from again that district is asking for some fairly specific information that she believes will help her in her decision-making process. So it's her will to ask for a deferment and I'll support her in that.

Mr. Howard: Alright, everyone's had a chance to weigh in. So, what's on the table is to defer the reclassification of Quantico Corporate Center, RC1000338, to the May 4th meeting. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Mitchell: Nay.

Mr. Howard: The motion carries 6 to 1.

Ms. Kirkman: Mr. Chair, I just... could I ask the applicant one quick question? It's very easy.

Mr. Howard: I'm sorry, it's against protocol. I'm just kidding, go ahead.

Ms. Kirkman: I just... you had said that... I believe somebody, you or the engineer, said that the build-out timeframe had changed and I didn't catch what the change was.

Mr. Shalaby: The original vision... we were obviously, you know, the market was going gangbusters and everything else. We anticipate that we'll have the build-out done, we're hoping, by 2015.

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Obviously, with the economy the way it's been, right now we currently have two buildings out of nine and we're hoping to start the third building any day now. So obviously the progress has delayed, plus these buildings are large. It takes a year to build and obviously we're leasing so that's why we're talking about the analysis went a little further out and we're hoping again to be done by 2015 but it's more likely to be closer to 2018/2020. Of course, it depends on the economy.

Ms. Kirkman: Sure, and that's the big (inaudible) for everyone. So, when do you think like you'll complete the current section and move onto this section?

Mr. Shalaby: Well, actually, in terms of moving on this section, the intent is to extend the road itself, Corporate Drive. It's to have it extended to Telegraph; we'd like to do that sometime next year to get that at least connected. We do have... we're talking with a contractor, a government contractor, that liked that smaller office building that's on the corner; they'd like to be located there. So obviously that is something we'd like to do sometime next year. The rest of the project just depends on how progress goes.

Ms. Kirkman: Okay, thank you.

Mr. Shalaby: And I would just make one quick comment about the access. It is about four to five properties that would be impacted and we have worked for a long time with the gentleman, the property owner, and we have tried, we have done what we feel everything we could possibly do. And just unfortunately we just can't seem to reach anywhere. So, when we talk about it, and Mr. Harvey said something about cooperative whatever it is, I guess at some point something is going to have to happen because we all recognize it needs to be done. That's the reason why we came up with the Telegraph Road access, to provide basically an interim almost to buy time until we figure out the second entrance. So now we have a second and this becomes the third. Thank you.

Mr. Howard: Is there any reason that you heard tonight that you wouldn't be able to by the 4th at least get the answers; we may not like the answers but at least get all answers for other things that are sort of on the table?

Mr. Shalaby: From (inaudible) yes, we should be able to get the answers; obviously whether we can agree on a specific language in terms of proffers...

Mr. Howard: Right, no, that may not happen. I understand.

Mr. Shalaby: Yeah, but definitely any questions or concerns we can address them before that and we hope that we can meet sooner rather than later so we can get them resolved. Thank you very much.

Mr. Howard: Mr. Mitchell, did you have a question? You were reaching. Okay. Thank you very much; appreciate it.

Mr. Shalaby: Thank you.

Mr. Howard: Let me find my agenda. That brings us to the second item that... thank you...

Mr. Mitchell: Mr. Chairman, I would like to make one point of order. Even though I believe the conversation between the two parties was probably beneficial, by a point of order we are discussing an

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item after it's already been voted on and presented for a future meeting. So I think... it's like turning the faucet on again and reiterating everything we're going back through. So, just as a point of order, I think once we finish discussing, once we voted, we don't need to bring it up again.

Mr. Howard: Duly noted but I have been known to break the rules. Thank you.

Mr. Mitchell: Thank you sir.

Mr. Howard: We're now onto item 10 which is CUP2900280 which is a Conditional Use Permit, U-Haul and Pets Plus.

10. CUP2900280; Conditional Use Permit - U-Haul / Pets Plus - A request for a Conditional Use Permit for a motor vehicle rental use in a B-2, Urban Commercial Zoning District on Assessor's Parcel 30-3L consisting of 0.90 acres, located on the east side of Jefferson Davis Highway, 250 feet south of Forreston Woods Drive, within the Aquia Election District. **(Time Limit: July 5, 2011)**

Mr. Hess: Thank you Mr. Chairman. Can I have the floor computer please? Alright, tonight staff brings to you the Pets Plus/U-Haul Rental Conditional Use Permit, CUP2900280. The request is to obtain a conditional use permit for motor vehicle rental use in a B-2, Urban Commercial, zoning district. The applicant is Bonnie Hickey with Pets Plus. The agent representing her is Leming and Healy. The subject parcel is Assessor's Parcel 30-3L. The area is approximately .9 acres. Here is a picture of the proposed site. This, I believe, is Forreston Woods Shopping Center which you see all around. This is the U.S. Postal Office to the north; this is a CVS building. There's a Domino's I believe right there and, again, the shopping center all along here in the general vicinity. The existing zoning, as you can tell, is majority Urban Commercial around the proposed site. A little zoning history for you; in 1995 the parcel was original developed as a restaurant. In 2009 there was a change of use to the Pets Plus, the pet store, with the U-Haul rental facility to go with it. Around late May of 2009, the site was cited with a violation for the U-Haul itself again because it needed to... well, not again, but rather it needed to obtain a Conditional Use Permit for that use which is not permitted by-right in the B-2 zoning district. And then, as of July 2009, the application for the CUP was submitted. Here are some photographs of the site. This is taken from Route 1 facing towards the building. The second photograph we have is a rearview shot with the drive isle in the background. Here is the Post Office. I believe that's the CVS building right there. In front of you, you have the Generalized Development Plan. As the GDP reflects, the state of the property will remain as is. The layout will not change. The building is located towards the center of the property surrounded by the drive isles all around. According to the color coding, the P, which are the blue parking spaces, are going to be provided for the pet store parking which is at the front of the building along Route 1. And then the orange, which are going to be for the rental vehicle spaces... they have three different types of rental spaces, I guess as far as size. They have UR, which is your standard size for rental vehicles. Then you have U17 which are trucks up to 17 feet in length. And then you have U31 which are the largest trucks that are approximately 26 feet in length. And those parking spaces are located along the side and the rear of the building. There is going to be one change; the parking spaces are going to have to be restriped in order to accommodate the size of the rental vehicles, or at least some of the rental vehicles. So, they're going to be angled on the sides of the building for the larger vehicles as indicated on the GDP here in front of you. Traffic and circulation; there was no Traffic Impact Analysis warranted with this project. The highest vehicle trips on the weekends was estimated to be 150 vehicle trips per day for the rental use and 400 vehicle trips per day for the total site. A TIA, a Traffic Impact Analysis would be required

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if it went over a thousand vehicle trips per day. The access would be through a shared entrance into the shopping center as is today. There would be no modifications to access or circulation. The conditions, again, would remain as they are today around the building. The proposed conditions to go with this project would be to require restriping for diagonal spaces, would be to limit storage and parking of rental vehicles along the side and rear of the existing building, would be to prohibit outdoor storage of any other rental equipment, and it would also be to clearly mark spaces for rental vehicles with signage, prohibit portable signage, and require signage to be color-coordinated and design... with design, excuse me. The Comprehensive Plan Map indicates that the existing site is located within the Suburban Land Use which is the yellow areas. The blue, which is the Resource Protection Area, goes along with it. The orange is the commercial corridor that goes along Route 1 in this area. The commercial corridor recommends commercial development along it and discourages residential development along it. You put the residential behind the commercial obviously. It talks about including shared access which this site already has and will continue to have. We put in conditions to limit visual impacts as far as attention-grabbing devices. And, of course, the commercial corridor supports infill development goals, again, occupying undeveloped or underutilized parking spaces resulting from change of use. What we mean by that is that the restaurant use required more parking spaces than the Pets Plus use has there today, so the U-Haul business therefore uses up those additional spaces to make most of the spaces on the site used.

Mr. Howard: Mr. Hess?

Mr. Hess: Yes.

Mr. Howard: I'm trying to go from memory and I don't recall but... I was going to try and look it up but I... it'd be nice if we, Stacie, we got these books in a searchable format I could just plug something in. Didn't we have an ordinance on rental vehicles specifically that required them to be parked (a) a certain distance from the street and there's some issue with line of sight, I thought? Or was it just trucks that had... well it was... no, it was if a truck had a... because I specifically brought up what is a rental place going to do with their vehicles and I think this impacted that and I don't remember the ordinance. I want to make sure we're not in conflict with that. Anyway, go ahead... we'll figure it out.

Mr. Hess: Okay, certainly. May I have the floor computer please? In staff's evaluation, we found the positives to be that the use is consistent with the standard of issuance with a CUP, the conditions would minimize impacts. Approval of the CUP would bring the business into compliance with the zoning requirements. And staff did not find any negative, apparent negative impacts. And with that, staff recommends approval of the application in front of you with conditions specified in Resolution R11-107. And with that I'll take any questions you might have. I guess... I'm sorry, before I ask for any questions there was a hand-out. There was an email that was sent to staff today from the agent that's representing the applicant. It's a support letter from the adjacent property owners to the north and south, so the owners of the CVS to the north and the Domino's property to the south, as far as they're supporting the motor vehicle rental as a use in that location. Just so you have that.

Mr. Howard: Thank you. Are there any questions of staff?

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman?

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Ms. Kirkman: Do you know, in the impact statement, where the trips for the U-Haul rental, where those numbers come from?

Mr. Hess: As it's stated in the impact statement, it looks as though they use the IT manual, the Institute of Transportation Engineers Manual, the 7th edition.

Ms. Kirkman: Well, they use that for the pet store but it's not clear to me that they use that for the U-Haul rental component. And that must have some corresponding ITE category.

Mr. Hess: Right, correct. I'd have to defer that one to the applicant.

Ms. Kirkman: Okay, maybe the applicant can clarify that. Then, what... I noticed on the... I don't know, it's not a plat. Well, it's labeled plat. It says annotated by the owner. Do we accept... I don't know what we require for Conditional Use Permits. Is this supposed to be the GDP even though it says plat? I'm trying to understand what this is and how it meets our requirements for a CUP.

Mr. Hess: Well, they did obtain a generalized development plan waiver so usually when we have a situation like this, we still would get them to submit like a boundary survey plat or a plat survey and try to show as much of the criteria as they can that is required from a GDP on their plat or what have you... their plat or survey, excuse me. And Jeff can follow-up on that.

Ms. Kirkman: And what was the basis for the waiver?

Mr. Harvey: I granted the waiver because they provided an as-built which shows you all the features that are already shown on the property. The only change from what's actually shown on the property is the restriping of the parking spaces.

Ms. Kirkman: Okay. And then, how does this work in terms of other by-right uses for that zoning district? So, it's been... I notice there's nothing in the proffer that addresses the pet store use and the parking spaces are based on the pet store use. And the other parking spaces are going to be rededicated to the U-Haul. So say the pet store moves out and a restaurant, which is by-right, moves in. How would the... the restaurant would not go through any review process, correct? Do you see the issue I'm getting at?

Mr. Harvey: Yes. Any other change in use of the building would go through a zoning review when they apply to get a certificate of occupancy. Through the zoning review, we always check to see if there's adequate parking based on the types of uses. Restaurants tend to be problematic because they typically require a lot more parking than most uses. So, if the U-Haul has allocated a certain number of spaces and a restaurant proposes to go back in that building but needs more spaces than there exists on site, the restaurant may not be able to go in there. It may have to be some other lower impact use.

Ms. Kirkman: So, there would be some review process where that would be addressed?

Mr. Harvey: Yes.

Ms. Kirkman: And then, I'm actually familiar with this shopping center because that's also where the grocery store is.

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Mr. Hess: Correct, it's Bloom.

Ms. Kirkman: And I do have something of a concern... so they're going to... so to access the U-Haul trucks, they would come out through that travel... is this the plan, they would come out through the travel lane that goes past that and then the CVS and then turn left for the access road to the shopping center to get...? I'm trying to understand what the traffic pattern will be.

Mr. Howard: There's a... I'll tell you from memory, there's a curb, there's a small curb that separates the CVS and this old restaurant from the Bloom shopping center. There are curb cuts in that curb where you can get into the CVS and then you get into the restaurant. So, you have to...

Ms. Kirkman: But there's like a travel lane.

Mr. Howard: There is a travel lane but I believe the travel lane, if I'm not mistaken, is on the Bloom property. I don't know if there's cross easements; I don't know what the agreements are, but it's on the Bloom property. There must be cross easements and you come in and out in that section and then you sort of head towards the Post Office, make the left and then you're at the traffic light.

Mr. Hess: Right.

Mr. Howard: And then I think there's also an entrance from Route 1 for the restaurant.

Mr. Hess: There is. Yes, there is; when you're coming up north on Route 1...

Mr. Howard: And it's a right in and right out.

Mr. Hess: Right in/right out, exactly. So the technically could come out, get on that travel-way, turn right and do another right and then come out to Route 1 and have to go northbound.

Mr. Howard: Right.

Mr. Hess: If you want to go southbound, you'd have to do a U-turn I guess at the light.

Mr. Howard: You can't make a left.

Mr. Hess: Right, you can't make a left.

Mr. Howard: Unless you go to the traffic light.

Mr. Hess: Correct.

Ms. Kirkman: The reason why I was raising these travel lanes within the shopping center itself, and I don't know if staff looked at this or the applicant has addressed, these are fairly large trucks. And I'm wondering what that will do to sort of line of sight for other vehicles in the shopping center. I just... I don't know the answer to that question.

Mr. Harvey: Mr. Chairman, if you'd like we could pull up an aerial photo to give the Commission a better birds-eye view of the area.

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Mr. Howard: I'd love to do that. I just want to see how my memory is. Go ahead and do that.

Mr. Harvey: Can we have the computer please? Again, as you can see by the diagram, the site is highlighted in red. There is this shared entrance that is, in effect, the right in/right out entrance at the southern end of the property. And there's a shared travel lane which runs along the back of the building and the pharmacy out to Forrester Woods Drive. There is a median break at Forrester Woods Drive at that location for left turns if the traffic needed to head south. So, for southbound traffic on Route 1 to access the site, they would need to come in off of Forrester Woods Drive and turn right into the travel lane.

Mr. Howard: Mr. Hess, how many trucks would they have on the property at one time? And I'm sure it ranges from a van up to the 24 foot.

Mr. Hess: Right, let me look here in the staff report. I think it did identify it. They do designate, yes, how many spaces they have dedicated. Let's see... you'll probably get the count before I do. I'd say there's an additional 33 spaces are being provided for the rental vehicles. It's on page 5 of the staff report; it talks about the amount of spaces required for the pet store is 29 but they have 30 spaces that are provided on site that are identified in blue and then it says an additional 33 spaces are being provided for the rental vehicles.

Mr. Howard: Okay.

Ms. Kirkman: It looks like by count there'll be 12 trucks ranging from 17 to 26 feet.

Mr. Howard: Right.

Mr. Hess: You're counting the UR... sorry, the...

Ms. Kirkman: I'm counting the U31 and U17.

Mr. Hess: U31 and U17, because UR is a standard vehicle size, rental size.

Ms. Kirkman: Is there a condition about the number of trucks?

Mr. Hess: There is not, but there is the condition about all storage and parking of rental vehicles, including trailers, are limited to the parking spaces to the side and rear of the building as denoted on... as are denoted as UR, U17 and U13 on the Generalized Development Plan. I'm not sure if that meets what you are looking for.

Ms. Kirkman: So, would zoning interpret that to mean that you can or cannot park a truck in one of the UR designated spots?

Mr. Harvey: Ms. Kirkman, the way I understand the condition is they are limited to that they can only park trucks in those designated spaces.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Okay, any other questions of staff? Hearing none we'll now hear from the applicant.

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Ms. Karnes: Good evening Mr. Chairman, Commissioners and staff. My name is Debrarae Karnes with Leming and Healy and I'm here representing the applicant. I'd like to thank staff for working with the applicant who initially filed herself and then hired us I think around Christmastime of last year. I'm going to try to make my presentation fairly short and then answer in more detail any questions that you have. This is an existing developed site, as you've seen, holding a Pets Plus pet store. The building was original built for a restaurant, meaning that it was provided much more parking than normally would be required for most retail sites. The staff report talks in terms of having an overabundance of parking. Ms. Kirkman specifically asked how the parking was calculated. The Pets Plus operation furnished the number of suspected trips per day based on their business that was used in the calculations. I in turn calculated the amount of parking needed for the pet store. And in my opinion, just to be very cautious, I over-calculated. I was using figures from ITE based on a superstore and I halved that figure. But still, I really think there's an over-calculation of parking spaces so I am comfortable with these calculations. By the way, these calculations make this operation classified as a high traffic retail and I, you know, anyone who goes by and sees this operation, even with the U-Hauls, you don't see all the parking spaces in use. So there's two main issues here; the parking... we've got the number of parking spaces. We also have conditions that provide that the vehicles must be placed in designated parking spaces. The other issue that traditionally comes up with U-Hauls is that some of these trucks are longer than the average parking space. I think the biggest truck Mrs. Hickey prepares to store on site is 20 feet... 26 feet long. These don't fit in regular size parking spaces. What we're calling the GDP, but which obviously was not prepared by an engineer, provides for restriping of 12 parking spaces to allow these things to fit. And, in fact, they're a little bit overdrawn. The minimum size for U31 parking spaces are 31 feet long and 10 feet wide. I think these spaces make sure there's adequate circulation interior to the site. These trucks, although they're long, they're not really all that wide; they're about 10 feet wide and that's probably a little bit of an estimation... smaller than your typical panel truck. They will not encumber the travel-ways which the main travel-way is on the grocery store property... but, there are reciprocal easements. And the travel-way for the main store, the travel-way around the Pets Plus building, nothing should be encumbered. And there's a total of 33 parking spaces reserved just for vehicles being rented. Some of these aren't trucks; some of these are travel doilies or other towing equipment that are much smaller actually than the average parking space. I believe staff conditions adequately protect the circulation. In addition, I think this is a good example of planning to utilize an existing building that stood empty for a while and is underutilized by the existing pet store. When I was walking the site the other day the employees were telling that people were walking there, in fact, from some of the adjacent pad sites such as CVS, and I think it promotes our goals of fostering economic development and promoting affective re-use of existing structures instead of having something stand empty. I wanted to point out to you that the applicant is Mrs. Bonnie Hickey. She's sitting in the audience. She's a long-term Stafford resident having graduated from North Stafford. One of the other concerns you usually find with these things is people ask whether these rental units are going to be serviced onsite. And the applicant does not service them. In fact, is she needed emergency... with the exception of tire changes and belt changes... and if she needed service, she probably might consult and take to her father who runs Eddie's Repair Shop on Courthouse Road. So, this is a local business that I think is important that we support. I think that's all I want to say. I think this applicant has come forth and attempted to meet all the county requirements. I think it's a fairly straightforward case and, although we'd be more than happy to answer any questions, I would ask you to approve it, or recommend to the Board its approval tonight.

Mr. Howard: Thank you. Are there any questions for the applicant?

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Mrs. Hazard: I just have one.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Yes, can you just clarify how the parking... I know we're saying we're going to restripe it... will there be sort of signs saying like if the person returns a truck after hours, that they are going to know specifically where that truck is to be returned; that you don't come in in the morning, I hate to say, and find it smack dab in front of the entrance. I would doubt someone would do that but we've all seen things. I didn't know if there was some kind of signage; I think it was talked a little bit about but, you know, that there is some way that people will know where to return easily.

Ms. Karnes: My understanding is the applicant has proposed to erect signage. I do not know any further detail and I will be more than glad to have her address that if you'd like.

Mrs. Hazard: It's just making it clear since I do think we do have some concern about site distances or anything like that that we wouldn't want a returned vehicle coming after hours sort of in the wrong spot that in the morning someone has to find it, something like that. It was just sort of for me to get some idea that there was going to be markings so someone returning it would be able to return it to the right spot.

Mr. Howard: Mr. Hirons?

Mr. Hirons: We talked a lot about trucks and vans and such; are there also going to be trailers rented?

Ms. Karnes: Trailers, tow-doilies and... I had to write it down to make sure I got it right... auto transports.

Mr. Hirons: Where are those going to be stored?

Ms. Karnes: Each and every one of them must be stored in its own parking space, right? And so, of those 33 parking spaces I told you about devoted to the rental equipment, 12 are for the over-size trucks, the remainder are for the smaller trucks and that equipment.

Mr. Hirons: Okay. Would your client be amenable to accept a condition to not... how do I put it... stack trailers, or whatever else you might call them, for advertising purposes? I've seen that sometimes at U-Haul facilities where they'll stack them up to kind of... right along the roadway... for advertising purposes.

Ms. Karnes: You mean stacked one on top of another?

Mr. Hirons: Sure.

Mr. Howard: So, you would be okay if we wrote in the proffer it's a one-for-one, it's one trailer per space or one truck.

Ms. Karnes: She would be amenable. One piece of equipment per space; we would be agreeable to that.

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Mr. Hiron: Okay; that's all I ask.

Mr. Howard: And I don't want to answer for the applicant but typically when you rent a large truck, you always back it back into the same space that you removed it from. That's the typical operation; I'm not sure why it wouldn't be that way but she may have something else to add to that. Is that correct?

Mrs. Hickey: (Inaudible).

Mr. Howard: Right, you typically bring it back to that location. Ms. Kirkman?

Ms. Kirkman: Ms. Karnes, do you agree with Mr. Harvey that the intent of the language in condition number 3 is that trucks will only be parked in the 12 spaces marked U17 or U31?

Ms. Karnes: The over-size trucks, yes, will only be parked in those spaces. There are 10 foot and 14 foot trucks in their fleet; those fit within the existing spaces. But absolutely every truck will be in one of the 33 spaces designated for the fleet. And furthermore, every over-size truck... and by that I mean the 20 foot, the 24 foot and the 26 U-Haul trucks... will be in U31 spaces and the 17 foot trucks will be in the U17 spaces.

Ms. Kirkman: So, in fact, there will be more than 12 trucks onsite?

Ms. Karnes: Yes, there could be.

Ms. Kirkman: So how many of these smaller-size trucks are going to be onsite?

Ms. Karnes: The fleet varies, but typically... why don't you come up here Bonnie?

Mr. Howard: It sounds like it's up to 21 but let's see what...

Ms. Karnes: Tell them how many 10 or 14 foot trucks you normally have.

Mrs. Hickey: We possibly could have eight at one time but there are typically not that many there at any one time. There's several different sizes that could be there at any one time. But if there's any excess, they would be parked at another location, not on my site.

Ms. Kirkman: So, although these are conditions that we impose, as a courtesy we always ask the applicant. You wouldn't mind clarifying language that the over-size rental trucks shall only be parked in the 12 spaces designated U17 and U31. Just so it's really clear where those over-size trucks are going.

Mrs. Hickey: You would like us to put it in writing that the only...?

Ms. Kirkman: In the condition, yeah. And it might be at the end of that condition where you add the piece raised by Commissioner Hiron that one piece of equipment per space.

Mrs. Hickey: One piece of equipment per space is all we would ever do.

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Ms. Kirkman: And then would you also, since your representative stated there will not be any servicing of equipment, would you agree to a condition that there's no servicing the vehicles onsite except for changing of tires and belts?

Mrs. Hickey: There's no servicing of the equipment onsite except for that, and that happens very rarely.

Ms. Kirkman: Sure, so you don't mind that being written as a condition?

Mrs. Hickey: No, I don't mind.

Ms. Kirkman: Because once this is approved, it goes with the land regardless of whether you own it.

Mrs. Hickey: No, I don't have a problem with that.

Ms. Kirkman: Okay, thank you.

Mr. Howard: Okay, any other questions for the applicant? Hearing none, I'll now open up the public hearing portion and invite the public to come forward and address the Planning Commission on any comments they choose to on the current item that we're working on which is CUP2900280, Conditional Use Permit for U-Haul and Pets Plus. And just for the record, I do not believe that pets are driving the trucks.

Mr. Waldowski: Paul Waldowski. Now this is a good project. This is a small local business; it's not like the restaurant across the street that's sitting there, that's not being re-used. It's one of the after-effect concepts when you take over a pre-existing condition. And I keep bringing up that I'm sure some of your neighbors have sheds that aren't... are in violation of the five foot setback and they should get a permit to fix that. This small business owner has come forward, met all the requirements, Ms. Karnes was very explicit on showing that we are doing economic development, effective re-use of this land. There's no access change to Route 1. I really love to be entertained by stacking up trailers for marketing purposes. Umm... and the other comments that are very interesting to me, if you go to that place and you rent a U-Haul the truck goes in and it goes out and we're in a market space where there are a lot of local moves. Quantico is all over the place with local moves so not only is this the right location for this business but it meets a very valuable need for the transient military population that's in this County. Now, I'll finish with what I consider are not any issues. The parking is... I've been there so many times... it's designated, it's clear. If you haven't been on the site, I hope the picture has showed it. There are really no safety issues that are involved and this is one of those things I really want to see a 7-0 vote on. Thank you.

Mr. Howard: Thank you Mr. Waldowski. Are there any other comments? Anybody else from the public wishing to address us may do so by stepping forward. Seeing no one else advancing, I will now close the public hearing and bring it back to the Planning Commission for discussion. Mr. Mitchell?

Mr. Mitchell: Mr. Chairman, I make a motion for approval of CUP2900280, Conditional Use Permit, U-Haul/Pets Plus.

Mr. Rhodes: Second.

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Mr. Howard: Would you accept a friendly to include the additional conditions that the applicant agreed to?

Mr. Mitchell: Yes sir, I would, especially the fact that the owner gladly agreed.

Mr. Rhodes: Second.

Mr. Howard: The seconder accepts it. So, the motion on the table is to approve the Conditional Use Permit that's before us, CUP2900280, with the additional conditions under the Conditional Use Permit...

Mr. Rhodes: As discussed.

Mr. Howard: As discussed, right. Are there any comments from you, Mr. Mitchell? Okay. Mr. Rhodes?

Mr. Rhodes: No sir, it's a good place.

Mr. Howard: Just a quick question and I think I know the answer; I just want to clarify. There's no storage of gasoline, right, on the...? Okay. That was a no from the applicant. Alright, any other discussion?

Ms. Kirkman: I'm going to vote in favor of the motion. My only concern is the height of the trucks. And not... changes in the, you know, blocking the access, but I'm concerned about driver safety. But I guess at the end of the day we have to count on the drivers to...

Mr. Howard: Right. Okay. Any other comments? Hearing none, I'll now call for the vote. All those in favor of the motion on the table signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries 7-0. That now brings us to item number 11 which is on our agenda this evening, which is the amendment to the Zoning Ordinance, proposed Ordinance O11-18 which amends Section 28-25, Definitions and specific terms. Mrs. Hornung? Of Chapter 28, Article X, Conditional Zoning.

11. Amendment to Zoning Ordinance - Proposed Ordinance O11-18 amends Section 28-25, "Definitions of Specific Terms," and Chapter 28, Article X, "Conditional Zoning," of the Zoning

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Ordinance. This amendment defines “conditional zoning” and amends provisions regarding conditional zoning by adopting and utilizing the conditional zoning authority granted under Virginia Code § 15.2-2303, in lieu of the conditional zoning authority granted under Virginia Code § 15.2-2298, which the County currently utilizes. **(Time Limit: April 6, 2011)**

Mrs. Hornung: Good evening Mr. Chairman, members of the Commission. The amendment to the Zoning Ordinance for proposed Ordinance O11-18 will amend Section 28-25, Definitions of Specific Terms to amend the definition of conditional zoning, and also Chapter 28, Article X, Conditional Zoning, of the Zoning Ordinance, to amend provisions regarding conditional zoning by adopting and utilizing conditional zoning authority granted under Virginia Code Section 15.2-2303 where currently the County is under the conditional zoning authority of Section 15.2-2298. Some specifics of this ordinance is that the Board referred this to the Planning Commission on September 21, 2010, by Resolution 10-307. The term conditional zoning actually allows the Board and an applicant for reclassification of property of the official zoning map to come to an agreement on terms and conditions for a property to be developed. And the proffers are voluntary. And some of the sections of this ordinance will be amended specifically; the definition of conditional zoning will read “means as part of classifying land within the county into areas and districts by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to, or modification of the regulations provided for a particular zoning district or zone by the overall zoning ordinance”. The added section under Article X, Conditional Zoning, will be Section 28-161 which is the Authority, in “Pursuant to Virginia Code § 15.2-2298(A), the board of supervisors hereby adopts and utilizes the conditional zoning authority granted under Virginia Code § 15.2-2303”. Basically, the change in these two sections of the ordinance... I’m sorry, the State Code... will allow the County more flexibility to accept proffers not only as it does onsite but offsite to the rezoning. Certain existing sections of 28-161, 162 and... 161 and 162 were stricken but then replaced with some additional language that allows for rezoning for major proffer amendments, minor proffer amendments, to include the ordinance amendments that happened in the Fall, and also some of the other regulations... excuse me, ordinance requirements that is required for the proffers to go through the public hearing process. Some of the additional language in Section 28-163 is just some language that is cleaned up, but also at the end of this section, the information that’s added is “The index shall also provide ready access to all proffered cash payments and expenditures disclosure reports prepared by the board of supervisors pursuant to Virginia Code § 15.2-2303.2. The zoning administrator or his designee shall update the index annually and no later than November 30 of each year”. We have an additional section, 28-164 that’s been revised for enforcement of conditions. Would you like me to continue... I guess I should ask you... to continue to read all those sections that have changed or been added?

Mr. Howard: I don’t know that it’s necessary for the Planning Commission because we’ve gone through this I think in great length the last few meetings. I know, if you could highlight, there were some language changes and additions to, I thought it was at least one of the last paragraphs. So maybe it would be better just to make sure that the spirit of those changes are in this document before we open up the public hearing.

Mrs. Hornung: Right. The... in 162, those additional items that were included into this proposed ordinance includes the ordinance that was adopted in the Fall which allowed minor amendments to proffer amendments which is something that doesn’t affect the use, functionality, density, or anything of that nature, that the applicant can come through and do a minor proffer amendment which should essentially speed up that process. Still going through the same process for notification and public hearing, but with a minor proffer amendment, for example, we’ve had some

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where they proffered a particular material of a fence but coming back through the proffer amendment, it was as expensive as a brand new proffer amendment. That was added to this ordinance, as well as the very last section which is a new section, 28-165, Amendments and various conditions, "There shall be no amendment or variation of conditions created pursuant to the provisions of Virginia Code... God bless you... §§ 15.2-2298 or 15.2-2303 until after a public hearing before the governing body advertised pursuant to the provisions of Virginia Code § 15.2-2204". That basically reiterates that any proffer amendment has to continue going through notice and public hearing requirements. There was added language to this section that basically said however, it could be up to the designee of the agent of the board to allow, or the board even, to allow a proffer amendment to go through without any public hearings, but that was stricken so that any proffer amendment that has been through a public hearing would continue going through the public hearing process so that everybody can look at the changes and anything that would impact that particular development.

Mr. Howard: The public would still have a chance to come and talk and give their opinion, right?

Mrs. Hornung: Yes sir.

Mr. Howard: Okay, any other points or questions from the Commission? Mrs. Hazard?

Mrs. Hazard: Are we going to open the public hearing first or...?

Mr. Howard: We will. Well, if you have a question of staff you have to do it now. It may help the public understand something before they comment.

Mrs. Hazard: Okay. Then I'll ask mine now. I guess... I just wanted to make sure that we're all clear or that I'm even clear because most of the change regarding this requirement is... not most of it, but one of the things is that we are allowed to do offsite improvements as part of the proffer process. And I just wanted to get a general idea, you know, when we write a deed we have things that run with the land. How that is captured in the proffer process that yes, this will run with the land even if it is an offsite improvement; just making sure that we capture that well. And I'm sure, I know it's been in Virginia, but that is of concern to me that I don't want to later... especially with regard to the guarantee part that's in subsection 3, when we require the guarantee satisfactory to the Board, I think many times that's going to be conditioned on what's going on on that piece of land. Just making sure that we're seeing the big picture and just how that generally... it's more of an education but I think it's a useful one for us to understand.

Mr. Howard: Mr. Smith?

Mr. Smith: Yes, Mrs. Hazard, there will be different mechanisms I think depending on what the actual proffer is to ensure that that particular proffer is met, whether it's a bond or some other financial guarantee to ensure that a public improvement is made. But the proffers, like the current proffer system for the County, are binding on the land. They are part of the zoning ordinance, they attach to the zoning map and they are indexed within the County and will not change until a future rezoning is approved. So, there may be different ways that a particular proffer is going to be executed in the future but, transferring from the County's existing proffer authority to this new proffer authority, while it may require County staff, including the Planning and Zoning Department and our office to work out different ways to ensure that the proffers are set up and executed, it will not affect the County's ability to actually enforce those proffers and ensure that they are that.

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Mr. Howard: Okay.

Mrs. Hazard: Thanks. I just felt like that was a useful discussion for us to hear since to me that's sort of the big changes allowing the offsite which many times runs with the land.

Mr. Howard: Thank you. Mr. Mitchell?

Mr. Mitchell: Just a legal technical question, and I apologize, Mr. Smith, for putting you on the spot immediately without conferring with you. Does this mean that in the past when, and I know we did, make exceptions and accepted offsite proffers, does that mean that those proffers should not have been accepted? Or they were not correct or they were not legal or... how would something like this work?

Mr. Smith: Mr. Mitchell, I don't believe that it automatically means that they were incorrectly or illegally accepted. Under the current zoning authority that we operate under, the statute requires a nexus between the actual rezoning and the proffer that's volunteered and then accepted by the Board that isn't required under the new zoning authority that the Commission is considering and the Board may consider in the future. So, I can't say... give you a blanket answer that any particular proffer that the Board may have accepted in the past may have been inappropriate; it's just that there was that requirement for that nexus. And hopefully that requirement was met in the past that won't have to be met in the future. The only requirement under the new zoning authority would simply be that it... well, two requirements... that it's voluntary and that it's reasonable.

Mr. Mitchell: Okay. I was just thinking about a light on Mine Road and Walmart, going back a few years.

Mr. Howard: Thank you.

Mr. Mitchell: Thank you sir.

Mr. Howard: Any other questions? Alright, hearing none we'll now open up the public hearing, again, which is the amendment to the Zoning Ordinance, Conditional Zoning Proffers, Resolution R-10-307. Anyone wishing to address the Planning Commission may do so by stepping forward and again, you have three minutes. We just ask that you state your name and address. When the green light goes on you have three minutes, and then the yellow light will come on, you have about a minute left and the red light starts to flash we ask you to conclude your comments. Anyone wishing to address the Planning Commission on this item may do so by stepping forward now. Seeing no one in the audience advancing towards the podium, and there are a few people in the audience, I will now close the public hearing and bring it back to the Planning Commission for discussion. It's late...

Mr. Mitchell: Mr. Chairman, I would make a motion for approval of I believe it's Resolution R10-307? Is that correct?

Mr. Howard: Correct.

Mr. Mitchell: Amendments to the Zoning Ordinance, Conditional Zoning Proffers.

Mr. Howard: Or is it Ordinance O11-18?

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Mr. Harvey: That's correct Mr. Chairman.

Mr. Howard: Okay. So, I'm sorry I said that incorrectly. It's O11-18.

Mr. Mitchell: Mr. Chairman, I would like to make the correction, proposed Ordinance O11-18.

Mr. Rhodes: Second.

Mr. Howard: Discussion? Mr. Fields?

Mr. Fields: Mr. Chairman, I've sort of eluded to this before and maybe as unusual as it may seem, I'm actually going to oppose the recommendation of this ordinance. A couple of factors; first of all, I've been consistent on this point really since I first got on the board and certainly when I spent several years as Chair of the Coalition of High Growth Communities, trying to sort through the issues of high growth in the Commonwealth. And I've been pretty consistently only utilized the proffer system because it was the only tool, but I've never particularly liked it. First of all, it's a system that occurs only at a rezoning which gives you no ability to mitigate anything that's been done in the past. I've always supported impact fees. I was very, very sad when the Board did not choose to implement the comprehensive impact fee which I felt, as a mechanism, was a far more systematic and reliable way not only to the public which is of course is the main concern here, but actually the impact fee is more fair to the person coming before the Board. I think when you put this larger comprehensive impact... proffer authority like has been done in Northern Virginia as I talked to many of my colleagues in the coalition over the years, I found that they actually were negative about impact fees and supportive because they had this greater proffer authority which allowed them to receive lots of cash for these rezonings. Now, at first blush that may seem like certainly a good idea and it's certainly not a bad idea, but it's been also my experience that one of the very negative aspects of the proffer system is it tends to distort quite often the discussion on an individual land use case where the qualitative aspects of the land use... in other words, is this use on this parcel of land at this time in the best interest of all the citizens of Stafford County... that question can quite often be overwhelmed by a bidding process whereby the negative aspects of the land use decisions begin to be obliterated by the concept of receiving lots of money to do lots of interesting things that the County probably needs. One of the... what happens with this increased authority that I think is particularly negative is by moving away from the nexus, rational nexus argument which also guides impact fees, it allows the County I think... believe it or not, I know that may sound strange, may think it's strange coming from me... allows the County to unfairly attempt to recover money for past mistakes through future rezonings, which impact fees actually don't allow and which actually I have always supported even though it puts us in a negative position. So, while it may... and because of that, because of the larger scale of it, and this is why it becomes a, has been a Northern Virginia thing. What it tends to do also is favor progressively larger and bigger, more massive types of development where larger corporate entity, development entities can have the where-with-all to provide these massive amounts of proffer cash to fix or improve infrastructure. And that may have happened... this may have already happened 10 or 15 years ago; it progressively knocks out the ability of local builders and landowners to do progressively smaller scale localized incremental development which ultimately I feel is a more sustainable pattern. So, that's the reason I'm opposing it. It's certainly... increased authority always seems like a good thing for local government. In this case, for Stafford, given our current Comprehensive Plan, etcetera, I don't think it's a good choice.

Mr. Howard: Thank you. Any other comments?

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Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: I also am going to oppose the motion to recommend approval on a technical note. Regarding Section 28-162(f), the section regarding minor amendments to approved proffers was added after it was sent to us by the Board. And I am opposed to a process that allows the... makes this distinction between minor and major amendments. I believe all of them should be treated the same. Along the lines of my colleague from George Washington District, I'm very concerned about the removal of the nexus requirement. I think that actually leaves the proffer system open for abuses in a way that would be detrimental for the citizens of Stafford County and particularly for residential homeowners and taxpayers. And by that I mean by removing the nexus then typically what happens when a developer makes a proffer of say an improvement then they subtract the value of that improvement from the cash proffer. So, where the potential for abuse lies is for these proffers to be used for unrelated pet products, say large aquatic centers, and use that to diminish the portion of the proffer for recreational facilities. So I'm concerned about that potential abuse when the nexus is removed.

Mr. Howard: Thank you. Any other comments from Commissioners? Hearing none, I'm going to support the recommendation. I think it's actually long overdue in Stafford County; we're one of the last counties to adopt this. And I respect my Commissioners in terms of having an opinion, but I don't agree with their opinion. I think this really allows the County broader flexibility and authority when accepting proffers and designating proffers for specific improvements in the County that we don't have the money to take care of. And I think in the long run it helps the taxpayers, it helps the residents of Stafford County and probably ultimately the Commonwealth of Virginia in the long run, especially or in particular if these are transportation improvements. So I'll be supporting the motion and I'll now call for the vote. All those in favor of the motion on the table signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay?

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Howard: The motion carries 5 to 2. Thank you. We're now onto item number 12 in the public hearings which is a Departure from Design Standards, Telecom Tower, AT&T at Mountain Avenue.

12. WAI-1100051; Departure from Design Standards - Telecom Tower - AT&T @ Mountain Avenue - A request for Departure from Design Standards for Screening Section 130 Screening requirements for uses listed in Section 28-88 of the Zoning Ordinance, specifically

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telecommunication facilities, to be screened from any public street or adjacent properties, in accordance with Section 143 of the Design & Construction Standards Manual for Landscaping, Screening and Buffering, in an A-1, Agricultural Zoning District on Assessor's Parcel 54-45A. Assessor's Parcel 54-45A, consisting of 3.62 acres, is located on the west side of Mountain Avenue approximately 700 feet north of White Oak Road within the George Washington Election District. If the request is approved, the applicant will not be required to provide screening around the compound base for an existing 496-foot tall guyed tower and an approved (not currently built) 175-foot tall monopole tower. **(Time Limit: May 8, 2011)**

Mr. Hess: Thank you Mr. Chairman. Can I have the floor computer please? Staff brings you tonight item number 12 which is a Departure of Design Standards. The application number is WAI-1100051. This is AT&T Mobility at Mountain Avenue. Some background information; the applicant is AT&T Mobility. The Assessor's Parcel is 54-45A. The parcel is approximately, a little over three and a half acres. The location here is north of White Oak Road and just east of Mountain Avenue. The departure request is for a departure of Design Construction Standards for Landscaping which is the DCSL standards, specifically from Section 130 Screening which requires uses listed in Section 28-88 of the Zoning Ordinance to be screened from any public street or adjacent properties. Here is a picture of the existing site. As it stands right now, there is an existing 495 foot guyed-wire tower of which Star Broadcasting Corporation owns and operates the... if you remember the County co-located on this tower approximately two years ago. Again, here is White Oak Road; Mountain Avenue comes up, that's how you get access to the site. There are residential properties all around the existing tower and we put in there the proposed tower site. Just this past November, the Board approved a telecommunication facility for AT&T to go on the property as well, so you'll see two towers on the site once said and done and this I believe was 175 foot tall monopole facility. Zoning history, or zoning background rather, in October of 2008 the Planning Commission approved a Comp Plan Compliance Review, as well as the Board approving... well, as well as a recommended approval for the conditional use permit, which the Board then later approved in November of 2008 a reclassification and a conditional use permit. The property was originally zoned B-1 which does not allow for telecommunication facilities; it was rezoned to A-1 therefore it would allow the facility to be built. And, of course, it needed a conditional use permit to go on top of that. So it was a process... all three processes were taken care of by the County, the County was the applicant in that case, to bring the existing tower into compliance as mentioned there in order to allow the public safety equipment on the tower today. And then, as mentioned before, in November of 2010 the Board approved an amendment to Resolution R08-480 to allow a second telecommunication facility onsite which is the AT&T Mobility tower. So, as it stands, the existing conditions, you have the 490 foot tower... got to wait till it was constructed approximately 1988... Star Broadcasting Corporation's equipment and the County's public radio safety equipment is on the tower. There are two equipment shelters on site, one for each user. There's an eight foot tall chain link fence with barbed wire around the tower and the County's equipment shelter. Both facilities are located at the center of the parcel, accessed by means of Mountain Avenue and the parcel is relatively open and flat as it stands. The proposed conditions, again, AT&T has not constructed their tower which they got approval for but when said and done you'll see a 170 foot tall monopole tower located approximately 60 feet south of the existing guyed wire tower. It too will have a matching eight foot tall chain link fence with barbed wire. Here is a picture of the site overall. The guyed tower is approximately right there with the guyed anchors to the north and to the southeast and southwest. The AT&T site is right here; Mountain Avenue, again, right there. As you can see, existing structures around, residential structures around. This is the equipment building for Star Broadcasting Corporation which is outside the fenced-in area. The County's equipment is this little block right here which is within the fenced-in area which is also around the

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guyed wire tower. Here are some photographs onsite. This is the Star Broadcasting Corporation's equipment shelter, or building rather. And here is the County's equipment shelter within the chain link fence with the barbed wire, and then there is the existing 490 foot tall guyed wire tower. The applicant has provided two letters, one letter is from the owner, Star Broadcasting Corporation, explaining how the planting of trees would severely damage the underground copper plane system they have there in place. And then the second letter is a petition letter that has adjoining property owners' signatures on it to waive the requirement of installing vinyl slats on both the existing and the future chain link fences. This, again, was to preserve the existing de facto neighborhood watch that is there currently today. The applicant is requesting full departure from the DCSL, meaning there would be no screening of the four options that are listed in Section 130 of the DCSL. Section 143 of the DCSL requires that a hardship must be found; however, there is no criteria defined to determine how you come about proving a hardship. Therefore, the Planning Commission determines if there is a hardship there. With that, staff recommends or believes that the departure is warranted and recommends the Planning Commission find a hardship and grant the request for departure of screening for the telecommunication facility use. And with that...

Mr. Howard: Thank you Mr. Hess. Can you just explain, if you can... if not we can ask the applicant... but the copper... I'm assuming that's a ground for that tower, the copper wire underground that the trees would interfere with?

Mr. Hess: Correct, yes. One of the options from Section 130 for screening is to do two rows of evergreen trees. And that originally was in the conditions back in 2008 and it was brought to our attention that that could not be done for the fact that there was the underground wiring system. Now I believe it's more for the broadcasting side of things, for the AM use of... the AM signal use of the tower. I don't have all the technical information but we do have the applicant here who can explain that a little bit more if you'd like, more in depth detail about that.

Mr. Howard: I would like to understand.

Mr. Fields: Mr. Howard, I can amplify because I did the site visit on this, of course. And yeah, the copper plane system is actually a very large system of radiating copper wires that actually are part of the AM antenna itself. It's more than just a ground, it's actually a part of the functionality of the AM broadcasting system. We can have the applicant amplify that, but it's a little more than just a ground.

Mr. Howard: Are the wires underground.

Mr. Fields: Mm-hmmm.

Ms. Kirkman: This came up in a discussion when the tower was added last year.

Mr. Fields: Absolutely. When we approved the tower, this was... part of the discussion was anticipated because of the copper plane system they really can't plant there without compromising their AM broadcasting system.

Mr. Howard: So, where else in the County do we have one of these antennas?

Mr. Fields: I don't know.

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Mr. Hess: I don't believe we have. I'll have to defer to Jeff on this one, if you know. I don't think so.

Mr. Harvey: I'm not certain, Mr. Chairman, where we have other AM radio antennas. I know we have other antennas in the County that are comparable height to this one and they're located in rural locations, but I can't speak specifically for AM stations.

Mr. Howard: So, in order for the AM signal to transmit in the air, these copper lines need to be underground.

Mr. Fields: That's what they tell me. You know, I'm getting over my head pretty fast being a radio engineer but... I did stay at a Holiday Inn Express last night.

Mr. Howard: I would expect that to be a grounding mechanism for the tower which you could argue then, can you plant something or not. If they're claiming it's "part of the signal", I would like just to understand that better.

Mr. Fields: It's part of the signal but, ask them. That's what they told me.

Mr. Howard: You understand it better.

Mr. Fields: These guys told me this so...

Mr. Howard: You can't claim I'm an expert on it.

Mr. Hess: Neither can I.

Mr. Fields: I don't think they were pulling my leg but you can ask them.

Mr. Howard: Alright, any other questions? We will now hear from the applicant.

Ms. Kirkman: And we definitely want to hear about the copper.

Mr. Fields: Yeah. We're all dying to know.

Mr. Simanowith: Good evening. Mark Simanowith on behalf of AT&T Mobility, and this is Mr. Lance Zeigler who is...

Mr. Zeigler: Yeah, my name's Lance Zeigler. I represent AT&T Wireless, their interest in this project. We've been working with Star Broadcasting for this project for the better part of two years. And sad to say, we had their engineer with us but he was called out...

Mr. Howard: Yeah, it's pretty late and I understand.

Mr. Zeigler: No, he actually had a transmitter go down so he had to rush out...

Mr. Howard: Oh, probably a copper wire thing happening.

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Mr. Zeigler: The way it was explained to me, I'm not an RF engineer but I've been in the wireless for the better part of 16 years, I've dealt with AM towers numerous times, and if you can picture the hub and spoke pattern of a bicycle wheel, that's how these radiate from that center tower that we saw earlier. So they radiate from the tower outward in that spoke pattern, so the very close... as you get close to the tower and they get gradually farther apart as you get farther away from the tower, but they are part of the antenna signal transmission. It is not a grounding part... there is a separate grounding wire for the tower itself. That is actually a part of the AM transmission array. And in order to place anything within that array, what has to happen is what they call a detuning, an AM detuning, and they'll physically have to cut out a section of those wires... so we can't be too close because the closer you get to the tower the denser those wires become. So you have to be a certain distance from the tower in order to avoid cutting more wires than what you would need to. So, there's a pattern that is cut out from those wires and are basically directed around our facility. And that is part of how you can place our RF emitting facility so close to another RF emitting facility. They don't typically get along so that is part of the process of detuning the AM tower to make it all friendly to each other. I don't know if that... does that help you?

Mr. Fields: That's what we've talked about before; we've gone through this several times.

Mr. Zeigler: You were right on with what you had said earlier.

Mr. Fields: That's the best to my understanding. It just means that the... our requirements, though in generally I would never even... nor would I think these folks... even try to depart from the design standards if it wasn't critical to the... The problem is, you've got AT&T here as the applicant but really it's Star Communications, their relationship with Star Communications, the people that own the radio tower that has to be factored into this.

Mr. Howard: So, it's an interference mechanism where it reduces the interference from the co-located tower on the property.

Mr. Fields: No, but the AM array would be there anyway, no matter whether the tower was there. That's just how they work.

Mr. Howard: That's not what I heard. I heard that because the towers are so close they do this additional...

Mr. Fields: No, the copper plane has been there since '88 when they built the tower. It's integral to making the AM signal a reality.

Mr. Zeigler: And they're literally inches from the surface of the soil. They're literally I think within six inches of the soil, the turf itself, so they're not that deep. But they're there with any AM antenna tower such as this.

Mr. Howard: Okay.

Mr. Simanowith: Other than that, the other design criteria regarding a wood fence or vinyl slats we had previously discussed as well are part of the de facto community watch group and part of the letter that was sent by the neighbors requesting that we not require that so that they can, and have historically, made sure that there was no vandalism, etcetera, that went on at the site. And that has

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been their request. So, those are the two hardships that we would submit to the Planning Commission justify this departure as Commissioner Fields has stated, this is not something that we normally would pursue because planting trees or vinyl slats are easy for us to do and actually would not have caused us to be delayed as long as it's been delayed to come before you again. If not for Star Broadcasting and the community's input, that's why we pursued this. I'll leave it open to questions at this late hour.

Mr. Howard: Mr. Mitchell, you have a question?

Mr. Mitchell: I have a question. Could they go back on the screen and go back to the original picture. There was a wooden fence around the first antenna; can we go back up to that one? It looked kind of in bad shape to me.

Mr. Howard: Computer please?

Mr. Mitchell: Wait, right there. There's a wooden fence right there which, even though it's straight up and down, it appears to be very antiquated. Would the Star Group or whoever be willing to proffer a new wooden fence? And also, even though this is not a proffer, I would love to see \$1,000 go to the Rappahannock Regional Library even though it's not a proffer. But I think it would be something in good faith because y'all will be getting out of the planning if we... there will be no planning if we approve this.

Mr. Fields: We're negotiating proffers here; this is a request for relief from a design standards, Mr. Mitchell. I don't believe we have the authority to ask them.

Mr. Mitchell: No, no... I'm not asking as a proffer.

Mr. Howard: It's within the purview of the Planning Commission to (inaudible).

Mr. Mitchell: I'm not asking as a proffer. I'm just saying as a good faith would they be able to send them \$1,000 to the library, the Rappahannock Regional Library, which services that end of the county by all means.

Ms. Kirkman: Mr. Chair, I would like a read from our attorney about (inaudible – microphone not on).

Mr. Smith: Ms. Kirkman, members of the Commission, I think a Commissioner could make the request. I would have to think about it some more whether the Commission could require that.

Mr. Howard: I don't believe we can, Mr. Smith. I think we all know that.

Mr. Mitchell: I think everyone's misunderstanding me. I'm not asking you to proffer. I am not asking you to proffer. I will not ask you for a proffer.

Mr. Howard: What Mr. Mitchell is pointing out is you're actually saving some money because you're asking us to allow you to divert from the design standards. Recognizing that you don't have to follow those standards, or may not have to... I don't know how the vote's going to go... would you be willing to take some of that savings and reinvest is elsewhere in the County? One is a fence and one is at a library; I'm not sure why the library but you don't have to do that. You're under no obligation; it will have no bearing on the outcome of the vote.

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Mr. Simanowith: I don't have the authority on behalf of my client to offer that tonight and I couldn't do that without that authority without my ethical obligations being compromised.

Mr. Howard: Sure, understood. Right.

Mr. Simanowith: So, no, I would not be able to authorize that.

Mr. Howard: Okay. Whose fence is that, that wooden fence?

Mr. Simanowith: That would be Star Broadcasting's.

Mr. Howard: Okay. And were they here tonight?

Mr. Simanowith: They were here tonight. Mr. Wilkes was called out for a transmitter.

Mr. Howard: What's the...

Ms. Kirkman: Mr. Chair?

Mr. Howard: What's the current proffer on that...?

Ms. Kirkman: Could I ask...

Mr. Howard: Hold on, Ms. Kirkman, I'm speaking. Thank you. I actually was talking; words were coming out of my mouth. Mr. Harvey, what was the actual proffer that was conveyed originally with that property and how does that fence tie into that?

Mr. Harvey: Mr. Chairman, the original CUP had conditions about screening equipment shelters and that subsequent condition had been removed at the last 2010...

Mr. Howard: So that fence can actually be removed.

Mr. Harvey: Based on our conditions I believe it can be. Assuming that the departure is approved.

Mr. Howard: Right. Did that come up in any discussions with the neighbors, that that fence was...?

Mr. Simanowith: No... if we could go back to that picture I think it's helpful.

Mr. Howard: Sure, computer please?

Mr. Simanowith: That is the equipment shelter that exists outside of the tower. The main purpose of the community watch group is for the internal part of the 495 foot tower, that was their concern. I would imagine that that could be taken down if that was a concern.

Mr. Howard: I don't think that's the concern. The concern is it's worn, that's all. So, as long as people are going to be there doing some work that was... you know, there's really no reason not to fix that fence if (inaudible).

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Mr. Simanowith: There's no reason not to fix that fence.

Mr. Howard: So, that's really the question I'm trying to understand, the origin of how the fence got there. Ms. Kirkman?

Ms. Kirkman: Mr. Chair, Commissioner Fields has actually been on site and seen the fence. Do you want to...?

Mr. Howard: I can see the fence now. We can ask Mr. Fields...

Mr. Fields: The question... really the issue at stake... can we move to the next photograph... has been this site, this is the actual tower site. This is the guyed... you know, you can see the bottom end of the guyed tower. That site was refurbished and supplied with that chain link with barbed wire fence when the County put its emergency equipment on the tower. And that provides security and visual...

Mr. Howard: Well, it's totally understandable (inaudible).

Mr. Fields: So those were the issues, and the tower is going to go inside that site... it's going to be part of that site right there. So, essentially, this is what we were discussing. I'm sure Star Communications, if it feels like the community would rather have a new fence built, probably is agreeable to build a new wooden fence. But since that building that you were looking at with the fence is in a completely different location from what the tower issue specifically and the issues relating to the functioning of the Star antenna, it wasn't really part of the discussion.

Mr. Howard: So, the copper wires are under this tower?

Mr. Fields: They go out... they're just underground. I mean, the person who took this picture is standing on them.

Mr. Howard: So the shed and the tower...

Mr. Fields: They're pretty far away. They're not like sitting right next to it.

Mr. Howard: Well, the shed and the power...

Mr. Fields: The shed that you saw in the previous photograph is some distance away from this what you're looking at here.

Mr. Howard: Well, I'm looking at a shed now. Is that not a shed?

Mr. Fields: No, you're looking at two different things. Those are two completely different photographs and two different spots on the site.

Mr. Howard: Those are two different photographs?

Mr. Fields: Yes. They're two different things in two different locations.

Mr. Howard: No, go back... that photograph right there.

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Mr. Fields: Yeah, yeah. That's the actual site of the tower.

Mr. Howard: Is that a singular photograph I'm looking at or did somebody photoshop this?

Mr. Fields: Yeah, I photoshopped it to try to make it look better. No, this is just a... the tower site here...

Mr. Howard: Hold on...

Mr. Fields: This is exactly what exactly exists on the grounds.

Mr. Howard: Mr. Fields, I'm asking you to quiet down. I want the applicant to answer my question.

Mr. Fields: Alright.

Mr. Howard: Is this the subject site?

Mr. Simanowith: Yes.

Mr. Howard: Okay, on the subject site there is a building that appears to me. Is that photoshopped into this photo or is that a real building?

Mr. Simanowith: Commissioner, that is a real building. It's a real equipment shed.

Mr. Howard: Okay. How can a building be on top of the property with the gravel with the electricity coming in and there be no interference with the copper wires? I would like to know the answer to that question before I vote tonight because I don't understand that.

Mr. Zeigler: If I may, that is a building, it's not emitting...

Mr. Howard: It's obviously sitting on top of the copper wire.

Mr. Zeigler: You're right, you're right. What they've had to do, they would have to cut that area out and take those wires and reroute them around what you see. They would have to have rerouted around that building. (Inaudible).

Mr. Howard: Can we see a dia... there must be a schematic that exists of where those wires actually are, right? Wouldn't an engineer have had to have drawn that out?

Mr. Zeigler: We have asked for that and that information...

Mr. Howard: Well I'd like to see that.

Mr. Zeigler: The radio station itself does not have that information.

Mr. Howard: Well, if you went and rented a metal detector...

Mr. Zeigler: You could locate it.

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Mr. Howard: ... you could draw the lines and that would be interesting to see where those lines are.

Mr. Zeigler: Okay.

Mr. Howard: And actually the actual circumference. So, the fenced in area... who owns that property?

Mr. Zeigler: That is Star Broadcasting compound with the County's equipment shelter.

Mr. Howard: Okay. Then, outside of the fence, who owns that property?

Mr. Zeigler: Star Broadcasting (inaudible).

Mr. Howard: And how big is that parcel?

Mr. Zeigler: It's approximately a little over three and a half acres, 3.62 I believe.

Mr. Howard: Three point six acres?

Mr. Zeigler: Three point six two acres. And those copper wires will continue out nearly to the edge of the property and continue outward...

Mr. Howard: So there's three acres of copper wire in the ground.

Mr. Zeigler: That is correct. That's why it is wide open; and if you look at any AM tower, they're wide open grass fields.

Mr. Howard: Okay. Mr. Hirons?

Mr. Hirons: Mr. Chairman, I have a question. To change the subject slightly, the de facto neighborhood watch group... what benefit of not having this area screened, what's the benefit to them of not having this area screened? They claim it's for visual purposes but what are they looking at beyond the area that they're keeping watch on?

Mr. Simanowith: I think that the purpose is so that they could see if someone is inside the fenced in area, whereas, if there were vinyl slats or wooden... wood board, board on board fencing, if somebody had snuck in there and was trying to cut down the wire which actually I think did... or the tower, excuse me, which I think actually did happen in the '80's, you wouldn't be able to see that person doing...

Mr. Hirons: Do you happen to know, in that incident was there any fence at all protecting that tower?

Mr. Simanowith: I don't know if there was or not at that time.

Mr. Hirons: Okay. I'm a little concerned if we have people climbing a 10-12 foot fence with barbed wire for the fun of it.

Mr. Simanowith: Right.

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Mr. Hirons: So I...

Mr. Howard: What are you proposing Mr. Hirons? If you put slats on it, that wouldn't stop someone who has a desire to do that.

Mr. Hirons: Right, it's just blocking the view of the facility.

Mr. Howard: Right.

Mr. Hirons: Of the buildings. Which is kind of what we typically ask for.

Mr. Howard: Absolutely. But it sounds like this neighborhood watch is pretty active, I guess.

Mr. Hirons: Well, there's only... unless I'm missing something... from your submitted letter there's only two people here who signed this "petition".

Mr. Howard: Right.

Mr. Simanowith: Those are the two of the property owners, if you look at the... that basically is one, two, three, four, five... six on the opposite side there. They're the two ones right specifically basically across from that. The other side of the property is really an empty field that you wouldn't be able to see.

Mr. Hirons: Those homeowners over on that side of the field can't see where this tower is, where these facilities are?

Mr. Simanowith: Correct. It's really that street there on Mountain Avenue, and then also on the back side, on the north side as well, that would have a view. But as far as the west and south side, it's really the field and it goes down a hill with trees that wouldn't be able to see into it anyhow. I think I've done a fair of explaining that.

Mr. Hirons: Yeah. Thank you.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Yes Ms. Kirkman.

Ms. Kirkman: Can I get clarification from either staff or the attorney about what we're considering here because we're talking about previous conditions. I remember discussions at length about the vinyl slats on this fence and why they wouldn't be there and I just want to clarify. My understanding is that we're here to talk about a waiver application and, therefore, we really, in this matter, at this point in time, we don't have any authority to amend the conditions. But if that's not correct, it would be helpful to hear that from staff.

Mr. Harvey: Ms. Kirkman, this is a request for a departure from the Landscape and Design Standards, so...

Mr. Howard: So that's exactly what we're talking about.

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Mr. Harvey: Yes. So this has no issue with relation to the conditional use permit. The conditional use permit was discussed as a matter of giving the Commission some information on the zoning history of the property.

Mr. Howard: Okay, we'll open up the public hearing. Anyone wishing to address the Planning Commission on the item before us which is the... it's titled WAI-1100051, Telecom Tower, AT&T at Mountain Avenue, Departure from Design Standards, may do so by stepping up to the podium. We just ask that you state your name and address. You have three minutes to address the Planning Commission; we won't always address you back but we'll try and get you a general answer if we can. The green light goes on, you have the three minutes, the yellow light indicates you have a minute and the red light means that you should conclude your comments. Anyone wishing to address the Planning Commission may do so now. Seeing no one advancing to the podium, I'll now close the public hearing on what I believe is WAI-1100051, Telecom Tower, AT&T at Mountain Avenue, Departure from Design Standards and bring it back to the Planning Commission.

Mr. Fields: Mr. Chairman, I move to approve the request for the waiver from the design standards, I believe that PCR11-03.

Mr. Rhodes: Second.

Mr. Howard: Okay, discussion?

Mr. Mitchell: Mr. Chairman, I still feel that the applicant should give something to the County in return for not having to do the screening. There were four different types of screening and they said all four of them would not work.

Mr. Howard: Okay, any other discussion? I'm just struggling with how the AM antenna works and I'm certainly no expert on that, but we did get a letter indicating that somebody would be here to discuss the technical detail on how that worked and that's not the case tonight. And, again, I'm not... certainly not an engineer and I have not a clue on how an AM antenna works other than the ones in my home or my vehicle, and I'm still confused to be honest with you about the copper wire. So I'm going to not support this. I was hoping we would wait a week or at least until the next meeting but, that's not the case. So I'll... it's not that I don't support the fact that, you know, we have to have telecom towers and AT&T, but I'm not going to support the motion. I just wish that we had more time to understand some of the differences in the copper wire because I don't get it... especially when there's buildings and all types of other things on top of the wire.

Mr. Mitchell: Mr. Chairman?

Mr. Howard: Yes.

Mr. Mitchell: I also will not be supporting the issue. I would ask Mr. Fields if he would consider a one meeting postponement just so we could get that data that... how that web of copper wire works. And then also he could discuss with his people if they'd be willing to assist us in making a non-proffer donation.

Mr. Howard: Yeah, for me it's not the donation; I just need to understand the whole buffer issue. And really you're asking for a departure from design standards and I honestly don't understand why we're

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not doing some planting. So, I get that Mr. Fields was there; I appreciate, I respect him as a colleague and I'm quite certain he asked all the right questions, and we did get somewhat of an answer. But when you see buildings and other things that you can't put a bush or a plant, I'm not sure I get it. Plus, there's also... we didn't get into it but there's also a manhole cover. So there's obviously some other element underground. So I think there are things in the ground. There's also a fence and, if I'm not mistaken, a chain link fence probably goes two and a half feet down into the ground, so I don't understand why we can do that and then probably put cement in the chain link fence to hold it and all that. So I'm not quite understanding that whole process. It's very confusing to me so I can't support it, but I understand it. Any other comments? I'll call for the vote. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Opposed nay? Nay.

Mr. Mitchell: Nay.

Mr. Howard: Nay. The motion carries 5-2. Now we're back, I think, to another telecom tower, item 2.

2. COM1000344; Comprehensive Plan Compliance Review - Telecom Tower - CWS @ Payne's Corner - A request for review to determine compliance with the Comprehensive Plan in accordance with Virginia Code § 15.2-2232, for a 180 foot tall monopole telecommunication facility on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet east of Poplar Road, within the Hartwood Election District. **(Time Limit: April 30, 2011) (History - Deferred at March 2, 2011 Meeting to April 6, 2011 Meeting)**
3. CUP1000345; Conditional Use Permit - Telecom Tower - CWS @ Payne's Corner - A request for a Conditional Use Permit to allow a 180 foot tall monopole telecommunication facility in a A-2, Rural Residential Zoning District on Assessor's Parcel 35B-1-7 consisting of 1.00 acre, located on the south side of Warrenton Road, approximately 700 feet west of Poplar Road, within the Hartwood Election District. **(Time Limit: April 30, 2011) (History - Deferred at March 2, 2011 Meeting to April 6, 2011 Meeting)**

Mr. Rhodes: We almost nearly concluded discussion on that.

Mr. Howard: Yeah. Okay, so we'll now hear from staff and go back to... which was item 2 and 3 really, right? We were combining the two of them together?

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Mr. Hess: Mr. Chairman, I guess staff has made the presentation on the memo and the map that was in front of you. You were in the middle of discussing various items. You had some questions for staff to address. Mr. Mitchell pointed out that he had a concern about minimum versus maximum as far as safety lighting, I believe, on the tower. And red versus white lighting, as far as what pilots can see and can't see and I think we were more or less waiting to hear which way you wanted a motion as far as these two applications.

Mr. Howard: Well, I know Mr. Hirons was about to comment on something; he was going to wait. I don't know if he wants to comment now or... do you recall? It was so long ago.

Mr. Hirons: I do recall where we kind of stopped at the point talking about the beacon light at the top of the tower. And when Mr. Mitchell mentioned it at our last meeting, the last time we were discussing this, I said is that really necessary. Then I've been looking at, studying the tower, that's almost in my back yard at Leeland VRE Station. And our neighborhood is pretty much in the flight path for incoming flights going into Stafford Airport, as well as flights flying around Dogwood Airstrip. And I kind of come to agree with Mr. Mitchell there that if a pilot didn't have his navigation equipment available to him and weather was particularly bad and he was flying on visual flight only, he could have some issue running into that tower because that is above the trees. So, I support you and your request for a beacon light at the top of that one; in particular, out there on 17 because I did drive out there today and kind of saw... got the lay of the land where it is. It's pretty wide open space out there and, you know, I suppose aviation out there could be a concern of someone out joyriding and joy-flying and losing instruments and clouds coming so it's necessary. Thank you.

Mr. Howard: Okay. Alright, any other discussion or questions of staff? Again, I know there's a lot of work being done on that committee Mr. Hirons and Mr. Fields are on and a lot more work to be done, so we're not going to have anything from an analytical perspective or strategic perspective for quite some time. So I don't think it's going to impact the way we look at this; I don't see how it could considering we only have until April 30th. So... what district is this in?

Mrs. Hazard: It's mine. Well, before I make my motion as well I was just going to say I do appreciate the work that is being done with the Telecom Committee. I guess one only suggestion I would have is based on the Implementation Plan that we've used for the Comprehensive Plan, it seems like this Telecom Plan is going to be a large maybe ongoing project that at some point maybe we will put it in that kind of format just so we can phase and understand what's coming forward. So I do appreciate that. However, this application is before us and unfortunately that work will not be completed. And actually, because we need to comply with the current Telecom Plan as we have it right now, and they have agreed to install the beacon light as requested, which I too actually agree with now that I have looked further at it and do have the same concern that Mr. Mitchell mentioned about having the minimum amount, that I would like you all to examine that as well. But, in that vein, I would like to move forward COM1000344, Comprehensive Plan Compliance Review for the Telecom Tower at Payne's Corner, as well as CUP1000345, for approval.

Mr. Hirons: Second.

Mr. Rhodes: And second.

Mr. Howard: It was second by Mr. Hirons. Discussion?

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Mr. Rhodes: Well, he seconded 44, I seconded 45.

Mr. Howard: Okay.

Mr. Mitchell: Mr. Chairman? Are we recommending a red light or a white light?

Mr. Howard: It sounded like a red light to me.

Mr. Mitchell: I like the red light, as far distance. In a fog, I mean, I drive a lot at night and in a fog, the white light... this reflects off white light.

Mr. Howard: I don't know if anyone's a pilot.

Mrs. Hazard: I believe the red also with the flying circus and stuff that's further up 17. There are planes flying around. I too would prefer the red light but I also will need to defer a little bit to Commission staff on how that plays out because on what our requirements currently say, according to this, is that it would require only a white preferable or red strobe. I would prefer a red strobe but cannot... I'm not a pilot myself.

Mr. Howard: Well is the red... I think we have to be careful, I'm not sure... does the red denote something about the airport and/or the runway? Is that why they discourage red? But I've seen red on towers so I don't know the answer to that.

Mr. Harvey: Mr. Chairman and Mrs. Hazard, staff would recommend that there may be some additional language added to that condition to stipulate those types of lighting fixtures, or as other light fixtures as allowed by the FAA, because we may put it in a condition. But if the FAA says we have a different kind of light for a shorter tower, I think the spirit and intent is the Commission wants a light.

Mr. Howard: Right, and I see the rest of that paragraph now. They're saying that because it's less interference with neighbors, so, not necessarily pilots. That makes sense though, Mr. Harvey. Do you accept that language?

Mrs. Hazard: I do.

Mr. Howard: So...

Mr. Hirons: So does the seconder.

Mr. Howard: Okay. So, can you restate the motion?

Mrs. Hazard: Do you want me to do them separately?

Mr. Howard: We had them on the agenda combined; I'd think it's okay (inaudible).

Mrs. Hazard: I would like to move for approval of COM1000344, the Comprehensive Plan Compliance Review, as well as CUP1000345, Conditional Use Permit, related to the Payne's Corner Telecom Tower, with the amended language concerning the addition of a light on the top of the tower

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that will comply with FAA standards and regulations allowing us to continue that coordination but with the intent that there will be a light on top of that tower.

Mr. Howard: Second?

Mr. Hirons: Second.

Mr. Howard: Okay, the second says that's what was read. Any other discussion?

Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields?

Mr. Fields: I'm actually going to abstain from this motion because I feel that while the telecom report is certainly a multi-phase and ongoing project, I think some very significant things can be done within actually the next few meetings. And, at this point, we're close enough that I... and this applicant has been there at all of those meetings, they know where we're coming to. There's really no compelling reason why they couldn't withdraw their application and move for... wait another two or three months and we'll have something far more substantive and we'll have a process where I would be more comfortable knowing whether this is really the right place, the right height, the right deal. Right now I don't really know. If we were years away from coming up with an answer, you know, sometimes you just have to move on. At this point, I think we're close enough that I wish the applicant would actually put themselves on hold and let us sort this out and then we could make a better decision. So, I can't really say... my problem is I really don't want to vote against it because I can't really say. So I'm going to abstain.

Mr. Howard: I understand. We only have till the 30th. I wasn't as convinced about the timeframe from the committee because I think...

Mr. Fields: We can have some guidance (inaudible – microphone not on).

Mr. Howard: Right. Any other comments?

Mr. Hirons: I appreciate Mr. Fields' sentiment on this. And I tend to agree with him up to a certain point, but I think with the time limit and this application, I'm not necessarily as optimistic as he is we'll have something substantial in the immediate time. I'm going to go ahead and support the motions and this application. One of the things I think that's going to come out of this committee work though is one of our priority locations for antennas will be on County facilities or public utility facilities, things like water towers. There's a water tower out in that way but, again, in my drive today, I found out that that was just over two miles away and the water tower happens to be adjacent to the existing tower that they say is too far away for this one. So, without any other criteria to judge this on the technical aspect, we do have to realize... I'm sorry, I have to rely on what was presented by staff and the applicant. And they say technically they do need it so, possibly somewhat reluctantly, I am supporting this.

Mr. Howard: Mr. Mitchell?

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Mr. Mitchell: My final comment, Mr. Chairman, like Mr. Fields I will abstain from the vote. I do support the tower, I do support the light; I wish it were red. But I think we're so close, I think we're so close, just a short distance... it's like the marathon runner. They've run 21 miles and all they have to do is do the .2.

Mr. Howard: Okay. Ms. Kirkman, I see your light on?

Ms. Kirkman: I just completed my first marathon last weekend and I want to tell you, it's 26.2.

Mr. Howard: Well congratulations!

Ms. Kirkman: As Mr. Hess also knows, he was there and did quite a PR.

Mr. Howard: That is an awesome accomplishment.

Ms. Kirkman: So, I'm going to abstain from the motion for the same reasons cited by Mr. Fields. And, in part, because I'm particularly concerned about the assertion that these things are needed every mile.

Mr. Howard: I agree with the comment. I feel like we've gone over this quite a bit and I'm going to end up supporting the motion only because I feel like it's been vetted. I think everyone has had a chance to talk about it. I am in no way, shape or form in favor of telecommunication towers every mile, mile and a half, in Stafford County; that doesn't work. I think if the companies... once the committee's done and we have at least a more comprehensive view and perspective, I think we've got to challenge these telecommunication companies to change the technology. It's time to update the technology on how the airwaves are carried and transmitted. And there's a hundred different ways to do it today; if we can have a signal in the metro station underground throughout the entire metro system, I have to believe there's something we can do with telephone poles that are currently up and running and already in view, in terms of transponders and repeaters. So, I'll repeat it because I think the applicant has been great to work with and I'm sure they'll come back to us with more towers, but at some point we do have to stop the number of towers in Stafford County.

Mrs. Hazard: Mr. Chairman, if I could just do a closing comment as the person putting it forward. I would like to just say that I think each application that comes before us will shape this telecommunications process. However, I think if we get into an opportunity right now where we say now every application that comes before us we need to say, sorry, we aren't accepting those applications right now until we finish work on something, that's a pretty dangerous way to go. And I'm not sure we have a whole way, legal way, of saying we can do that in the future.

Mr. Howard: I'll now call for the vote. All those in favor of the motion on the table, signify by saying aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Hirons: Aye.

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Mr. Howard: Aye. Opposed nay? Abstain?

Mr. Fields: Abstain.

Mr. Mitchell: Abstain.

Ms. Kirkman: Abstain.

Mr. Howard: The motion carries 4-0-3. That was easy; it just keeps getting better. Okay, now we're up to item 4, the Comprehensive Plan UDA Allocation of 4,000 dwelling units; time limit May 15th.

4. *Comprehensive Plan: UDA, Allocation of 4,000 Dwelling Units Update (Time Limit: May 15, 2011)*
(Authorize for Public Hearing by: April 6, 2011)
(Potential Public Hearing Date: May 4, 2011)

Mr. Harvey: Yes, Mr. Chairman, at your desk tonight are two proposed Comprehensive Plan amendments, one that was referred to you by the Board of Supervisors on March 15th regarding Resolution R11-94. That is a specific amendment requested by the Board for a public hearing. Also, you have a proposed amendment that was generated by the Commission dated March 2nd of this year. At the last meeting, the Planning Commission had asked staff to try to get some feedback from Quantico Marine Corps Base regarding Boswell's Corner and potential development in that location and the possibility of whether that should be designated as an Urban Development Area. On Monday, myself, the County Administrator and other staff from the County Government met on base with the Commander and spoke to him about the concerns of the Planning Commission and the Board in regard to Boswell's Corner, but also in general regarding growth and development within the noise impact areas for the base. The base Commander said as a general rule that the base is... we prefer to see as little development, residential development, as possible within the noise impact areas. The base Commander indicated that he does not intend on being a gatekeeper for the County as to how much residential growth should go where and he however would comment on overall policy directives if the County would request a specific opportunity for the Commander to comment on. He also did convey that he would not be making recommendations on what he called getting into the weeds on specific details; for instance, not making a distinction whether 500 units was better than 750 units, so to speak. So, he gave us an overall general policy directive but not specifics to Boswell's Corner or other areas of the County. We did ask he and his staff whether they review certain areas within the noise impact areas more critical for not approving additional units versus other areas and, again, he said we'd have to provide him with more of a detailed proposal before he could answer those types of questions. So I don't have any real firm answers for you but I can give you that direction.

Mr. Howard: Right. Well, thank you for doing that; we appreciate you reaching out to them. Were there any other questions of any of the Commissioners? We also have Mr. Pat Taves with us for the record and Mr. Taves has been assisting us from a legal perspective on the Comprehensive Plan for over six months I believe. He's here this evening to again, once again, assist us in that endeavor.

Mr. Harvey: And Mr. Chairman, staff would also point out that in order to meet the timeline at the request of the Board for its amendment, the Commission would need to authorize a public hearing tonight.

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Mr. Howard: Thank you. So...

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman, sure.

Ms. Kirkman: In the two drafts that you prepared for us, one is the Board of Supervisors' amendments and the other is the amendments with the Planning Commission modifications. And I noticed on the Board of Supervisors', you've gone on into Chapter 4 which I think is the Transportation chapter and Appendix G, to remove all references to improvements and details regarding the former Widewater UDA. But that has not been included with the amendments with the Planning Commission modifications and I thought it was pretty clear from Planning Commission modifications, including the change in the Urban Service Area and the change to agricultural and park that the intent of the Planning Commission modifications as well was to remove all those references.

Mr. Howard: So we reduced the USA in the Widewater, or what was Stafford Station, we moved it actually.

Mr. Harvey: Mm-hmm.

Mr. Howard: The Planning Commission version did.

Ms. Kirkman: Right.

Mr. Howard: Not that I agreed with that version but they did do that.

Ms. Kirkman: Well, both... and Mr. Chair, to be clear on the point I'm trying to make, both the Board of Supervisors' amendments and the proposed Planning Commission alternative did that... they removed the Widewater piece.

Mr. Howard: Correct.

Ms. Kirkman: But what has happened is the draft that's been prepared regarding the Planning Commission modifications did not do that quite as thoroughly as the (inaudible).

Mr. Howard: No, I understood that was your point.

Ms. Kirkman: So we just need to make sure that that gets corrected.

Mr. Howard: It has to be corrected if it gets voted on tonight, right.

Ms. Kirkman: Yep. Well we have to vote on it.

Mr. Howard: Yeah. We definitely have to vote tonight.

Mr. Harvey: Certainly. So at the Commission's direction, we will add those pages from the Board's amendment in to where it would apply.

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Mr. Howard: I mean, at the will of the Commission, I think we all recall that discussion because it was clear that the boundaries should be as concise in the Planning Commission proposed amendments which is dated March 2nd as they are on the March 15th.

Mr. Rhodes: My version did not, of the Planning Commission modifications, did not have that section. I assumed they stated the same for both.

Mr. Howard: But Ms. Kirkman's point is we ought to advertise that because it's different from the original Comprehensive Plan that was adopted.

Mr. Rhodes: Correct.

Ms. Kirkman: What happened when the staff drafted the Planning Commission is they didn't include the changes to Chapter 4 and Appendix G.

Mr. Rhodes: Well, mine didn't even have that with it so I thought they were giving us the two versions that had differences which were everything through Section 3 and then Section 4 and G just were the same for both.

Ms. Kirkman: No, I think we have to have it all complete if we send it forward to public hearing.

Mr. Harvey: Mr. Chairman, that would be correct. Staff would recommend if the Commission wants to move forward with its version, that we incorporate all the other related information that applies from the Board version into the Commission's alternative.

Ms. Kirkman: (Inaudible - microphone not on).

Mr. Harvey: Yes.

Mr. Howard: Okay. Any other comments for staff? No? Okay. Good job Mr. Harvey to you and your staff. I know Mr. Zuraf... you must have given him a much needed vacation or something.

Mr. Rhodes: I think he ran away.

Mr. Howard: Yeah. Or somehow he bribed Mrs. Baker to come in, in his absence. But we have to take action obviously tonight.

Mr. Mitchell: Just a comment, Mr. Chairman. I will not be supporting the issue tonight. I do not support the possibility of additional houses in the Boswell's Corner area. I think it's better suited for commercial contractors that are working with the Marine Corps and things like that. Putting additional houses there is like building an airport and people moving beside it, and then they complain because there's noise for the airport. So, I will not be supporting the issue primarily because of the Boswell's Corner scenario.

Ms. Kirkman: Mr. Chair, could we get clarification because I didn't think either of these proposals did that?

Mr. Howard: I don't believe there's any housing planned for Boswell's Corner in either version.

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Mr. Mitchell: I thought we moved 700 units in there?

Mr. Harvey: Mr. Chairman, my recollection was that there was discussion at the last Commission meeting where this item was talked about, and the discussion was in context of this amendment, as well as how it fits in with the proposed RDA-1 zoning category. And the Commission asked staff to look into whether there would be additional density recommended by the Marine Corps Base that could go into Boswell's Corner and fit into the RDA-1 zoning category that could either put units in that area or recommend a UDA in that area.

Mr. Howard: But that was from an RDA perspective and it didn't change either version.

Mr. Harvey: Correct. And the current Comprehensive Plan recommends the Boswell's Corner area for business and industry, so the current Plan text and tables do not have any residential density allocated into Boswell's Corner. There's acknowledgement that existing zoning allows approximately 740 dwelling units. There approximately 550 units already built in that area.

Mr. Howard: Right.

Mr. Harvey: So, it was more of a discussion rather than a direction to change the document.

Mr. Howard: Correct.

Mr. Mitchell: Mr. Chairman, it just concerns me that our staff met with the Colonel and one of the primary questions was would you object to additional houses.

Mr. Howard: Well, that was based on I believe it was Commissioner Kirkman who was concerned about the recommendation from the Board of Supervisors with the RDA at Boswell's Corner and then the question came up, why don't we just make that a UDA, there was a lot of discussion, and then we did ask staff to go have a conversation with Marine Base Quantico's leadership to understand their preference. And they've obviously come back and said when you have something more definitive come back and talk to us. Our recommendation stands as, you know, as our recommendation from prior recommendations. So they didn't really change their previous recommendation.

Mr. Harvey: Yes, Mr. Chairman...

Mr. Howard: Well, there's no housing but we didn't put any in the UDAs. We were solely discussing RDAs. It came up in the context of the Comprehensive Plan because that suggestion was made, why don't we just make that a UDA; it would conform based on the number of dwelling units that are represented in the RDA, the current version of that RDA... which we haven't really solidified that yet; that's a separate issue from this.

Ms. Kirkman: Mr. Chair, it did come up in the context of the RDA, I think it's an ordinance that's before us.

Mr. Howard: Correct.

Ms. Kirkman: And, in fact, we had gone back and requested clarification from the Board and we didn't get quite the type of clarification we were looking for. I believe it was actually from the Board

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that the request came to see if there could be additional units moved to Boswell's Corner. And the concern was that separate from the UDA legislation, there's an RDA piece of legislation related to Boswell's Corner that has densities I think ranging from six to eighteen units per acre with the potential for 3,000 in Boswell's Corner. And so the obvious question is why weren't we counting that towards our UDA numbers?

Mr. Howard: That's correct.

Ms. Kirkman: So, I believe that was the conversation.

Mr. Howard: Okay. So now we're back to the Comprehensive Plan and anybody want to advance any thoughts with these or motions? Alright, I'll hand the gavel over to Mr. Rhodes. I recommend to send to public hearing the Board of Supervisors' amendments on March 15, 2011.

Mr. Mitchell: Second.

Mr. Rhodes: With the motion and second, is there any discussion? Not hearing...

Ms. Kirkman: Yes.

Mr. Rhodes: Ms. Kirkman?

Ms. Kirkman: I'm going to oppose that motion. My Supervisor, Bob Woodson, representing the Griffis-Widewater District, has been very clear that he joined in what he thought was a spirit of compromise when the Comprehensive Plan was approved. He joined in approving that Comprehensive Plan with the understanding that there would not be a UDA in either Widewater or Brooke because of the rural natures of those areas and how far they are from existing Urban Services Area. The Board then has now, going against what they said, going against their word in December to reach a compromise has now put a UDA back in Brooke. And for that reason I'm going to be opposing that motion.

Mr. Rhodes: Thank you. Any other discussion? Mr. Hirons?

Mr. Hirons: I just wanted to say I will be supporting the motion. The majority on the Board of Supervisors asked us to put this forward and I respect their will. Although we had a lot of discussion and had our own recommended changes, it's the Board's prerogative to ask us to do this and I'll support the motion.

Mr. Howard: I also obviously will support the motion; I made it. And I think it is the will of the majority of the Board of Supervisors to advance this Comprehensive Plan version dated March 15, 2011. I do believe that the Board, in good faith, did negotiate, compromise and also understood there would be some public input from two public input sessions that were hosted... or I should say facilitated by a VDOT consultant and the entire Board knew that there was some of that plan still in flux based on the outcome of those meetings. Those meetings clearly indicate with citizen input that there's a desire to have that UDA in Brooke Station. And that's why I'll be supporting this plan.

Mr. Rhodes: Thank you Mr. Howard. Other comments? Mrs. Hazard?

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Mr. Hirons: Mr. Chair, I just really quick... I apologize Holly... I just wanted to clarify my remarks. It's late and I'm not sure what I said. I don't want to have said that I necessarily support this plan. What I support is the motion to move this to public hearing as requested by the Board of Supervisors.

Mr. Rhodes: Thank you Mr. Hirons. Mrs. Hazard?

Mrs. Hazard: Well, you took the words out of my mouth. I too believe that we need to go and start to get the public engaged again on this project. I don't believe that this reflects the final will of this Commission, but I do believe that we have been instructed to move it forward. And we have spent a lot of time on it, so I do think we should move it forward getting public input and getting our debate on the record so we can move this process forward. Thank you. So I will be supporting it to move it to public hearing.

Mr. Rhodes: Thank you. Other comments? Mr. Mitchell? No? Mr. Fields? I will just say that I liked our version better. That said and with no other comments, I will call for the vote. All those in favor of the motion signify by saying aye.

Mrs. Hazard: Aye.

Mr. Howard: Aye.

Mr. Mitchell: Aye.

Mr. Hirons: Aye.

Mr. Rhodes: All those opposed please say nay.

Mr. Fields: Nay.

Ms. Kirkman: Nay.

Mr. Rhodes: Nay. So I guess it goes 4-3. Thank you.

Mr. Howard: Thank you.

Mr. Rhodes: It's yours. I like hitting that.

Ms. Kirkman: Mr. Chair, during the discussion during the debate on that last motion, several of my colleagues stated that they supported the Board's right to move this to public hearing but not necessarily the content of the amendment. With that in mind, what are we going to do about the amendments with the Planning Commission modifications that were previously approved in a majority vote of the Planning Commission?

Mr. Howard: I think it's a fair question. You know, we don't have a lot of money to do the advertising and I respect the opinion of everyone on the dais and obviously the will of the Commission will prevail when it's all said and done. But I think a lot of what we did was kind of back of the envelope, you know, in that plan and there were... I mean, there's years in the making on this plan and several aspects to include the fiscal analysis; I know there was debate about that, there's the public

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input recently, there's the public input prior when the plan was first being thought through. And for the Commission to make those changes and make those moves, I didn't support it then; I'm not going to support it tonight. But someone... you're always free to make a motion.

Ms. Kirkman: Yes, Mr. Chair...

Mr. Fields: I make a motion that we move the Planning Commission's amendments, the amended version of the UDA plan, to public hearing in tandem with the Board's version.

Mr. Rhodes: To include Chapter 4 and (inaudible).

Mr. Fields: To include Chapter 4 and the concerns that we had before.

Ms. Kirkman: I'll second.

Mr. Howard: Okay, is there discussion?

Mr. Fields: Yeah, I feel that that was sort of where we sat at the... had sort of reached a plan of attack that seemed to make sense is that we had differing opinions. As I've said before, it's entirely logical for the Board of Supervisors and the Planning Commission sometimes to have different opinions. And our job is to look longer range and more comprehensively at land use issues than the Board has time to do. And so, with that in mind, I mean I feel that that's what our consideration was and I think the plan deserves equal weight in the public comment sector as does the Board's plan. Rather than speaking for or against a specific plan, I think it's... it's not common but I think it's a particularly good opportunity for the public to see two different versions and speak... have an attempt to affirm different versions if their opinions differ rather than simply affirm or deny one version.

Mr. Howard: We have to take a... I realize we're in debate of discussion but we have to record these meetings and we have to take a quick break so that we can change the tape, as silly as that might sound. We're going to take a quick recess but we'll be back in about two or three minutes, as soon as Caroline fixes that.

Mr. Rhodes: You know, the old reel-to-reel.

Mr. Howard: We'll stand at recess for two minutes, no discussion because there's no tape.

Break to change video tapes: 11:00 p.m. to 11:03 p.m.

Mr. Howard: Thank you, we're back on track and apparently we have another four and half hours we can go if we need. Apparently we only go four and a half hours. Okay, so we were in discussion and Mr. Fields had just finished his comments on the plan. Are there any other comments on sending this to public hearing?

Mr. Hirons: Mr. Chairman, I would like to know what it would cost if this were approved and we had to advertise this?

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Mr. Howard: That's a good question. Mr. Harvey actually has... it's kind of a back of the envelope because he and I've talked about it a few times. I can tell you it will put us over the budget but I think he has a creative way to...

Mr. Rhodes: He's a creative man.

Mr. Howard: Yeah... to solve for some of that. Mr. Harvey?

Mr. Harvey: Thank you Mr. Chairman. We received an estimate today from the Free Lance-Star on what we think the advertising costs will be. It's estimated that to do a run of either the Board's or the Planning Commission's version would be a little over \$14,000 for the advertising costs. So, based on the estimate, we were anticipating it would for advertising both public hearings would be \$28,692, which you should have at your desk a printout of what's available for the Planning Commission with regard to funding; specifically, public notification is \$27,596 and change. So that would exceed that public notification requirement for what's allocated for the whole year. However, if you look at training, the Commission has not used an training dollars this year since all the Commissioners are certified and the Commissioners haven't...

Mr. Howard: We're certifiable.

Mr. Harvey: ... haven't taken any other training this year, so that money could potentially be available. And there's available in print shop of roughly \$6,400. So that could conceivably carry us to the end of the year. We know that we have about two and a half months' worth of back bills that haven't been charged to us yet and we're estimating that to be a little over \$2,300. And we're estimating about \$1,300 or so for the remainder of the year. It could be tight if we use these other lines, but we could conceivably make it through the end of the fiscal year.

Mr. Howard: Do we have any money allocated for the RDA advertisements?

Mr. Harvey: We advertised the Redevelopment Plans and that advertisement was going to be about a thousand dollars for your April 20th public hearing.

Mr. Howard: Okay.

Mr. Harvey: We had estimated for the remainder of the year, based on normal advertising costs, of about \$450 per meeting.

Ms. Kirkman: Mr. Harvey, my understanding of the way of the purchase of advertising space in the paper works is that it actually, the more you buy the sort of per unit cost actually goes down. So, what you pay for a full page is not twice the cost of a half page ad. So, it does seem that it will actually be less than \$28,000.

Mr. Harvey: It could be. The price that we were quoted from the Free Lance-Star did not include any discounts which we can be eligible for discounts based on, as you said, volume. But also, one thing we're not certain about is exactly the number of pages we're going to need. Right now we know that we only need one full size page for an overall land use map and then we have the need for a number of small UDA maps. We're not certain that all the UDA maps will fit on one page, so that may be a variable where it will increase the cost, because we've estimated it based on two color pages and two

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black and white pages of printed text. The color pages would be maps; the black and white pages would be text.

Mr. Hirons: And if we to put both of these forward tonight, I assume the public hearings would be scheduled for the same evening which would mean the advertisements would be in the same edition of the paper I'm assuming. What would... do you have an idea of what that would look like? Were there be basically four pages of Comprehensive Plan?

Mr. Harvey: Based on what we've projected it would be eight pages; four pages for each advertisement. Each advertisement would have two pages of maps and two pages of text potentially. It may vary based upon what finally gets approved for advertisement and how it fits into the newspaper's format.

Mr. Hirons: And how might it be described and distinguished between the two? Would they be called the Board of Supervisor's version and the Planning Commission version? Or Option A and Option B?

Mr. Harvey: We would have to identify them as the version as proposed by the Board of Supervisors dated March 15th and then also the version as proposed by the Planning Commission dated April 6th.

Mr. Hirons: Okay, thank you.

Ms. Kirkman: April 6 or March 2nd?

Mr. Rhodes: March 2nd.

Mr. Harvey: Well, it's my understanding the Commission wants to add the other parts to Chapter 4 into the amendment that gets advertised, so I would assume we would go with today's date.

Ms. Kirkman: Right, but when we voted it on in March 2nd I thought that's when we were clear that it would remove all references from the plan regarding Widewater? I don't know that it matters.

Mr. Howard: Well, we technically I think amended it this evening so it probably should have tonight's date on it.

Ms. Kirkman: Sure.

Mr. Rhodes: It would be nice if you could take the portions that are exactly the same and...

Mr. Howard: Mr. Taves will weigh in on this.

Mr. Taves: Mr. Chairman, I'm not sure you did amend it this evening because I don't know that the Commission took a vote.

Mr. Howard: Well, we haven't voted yet; we're in discussion.

Mr. Taves: On the amendment though.

Ms. Kirkman: But the motion that was made by Mr. Fields included making the changes.

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Mr. Rhodes: The adjustments from tonight.

Mr. Taves: Okay.

Mr. Howard: You're right that we haven't voted, but it is on the table.

Ms. Kirkman: Mr. Chair...

Mr. Fields: I can remake the motion if it needs to be clarified...

Mr. Howard: I think Stacie caught it, right Stacie? Okay. Go ahead Ms. Kirkman.

Ms. Kirkman: Just to be clear, that if we don't send forward an alternative, here's exactly what will happen. The only consideration the Board will give is to their amendments. And what they will say is we don't have enough time to do anything else because of the State mandate. So, let's be clear that if we do not move forward at the same time an alternative, the only thing that will happen is that the Board's version, which goes back on their promise to keep a UDA out of Brooke, will be the version that gets approved.

Mr. Rhodes: And my opinion is that's not necessarily exactly what would happen. There have been many misstatements about what would happen here.

Mr. Howard: Right, well let's not address each other. I think that's Ms. Kirkman's opinion and she's entitled to it; you don't have to agree with it.

Mr. Hirons: Can I have also some additional clarification? If we were to put both of these plans forward to public hearing in the Planning Commission, and at the end of both of those public hearings were recommended both plans be presented to the Board of Supervisors, would they have to in turn advertise or can they not accept our recommendation and just advertise their own plan?

Mr. Howard: Mr. Taves?

Mr. Taves: I don't think there's any legal obligation on the Board's part to conduct a public hearing on the Planning Commission's.

Ms. Kirkman: Mr. Taves, I'd have to pull out the section but I thought the Planning Commission did in fact have the authority to initiate amendments to the Comprehensive Plan and that included in that statute is an obligation of the Board to consider those amendments?

Mr. Taves: I don't think so. I think you're right; the Planning Commission has the authority to initiate plan amendments but there isn't any obligation on the Board to conduct a public hearing on those.

Mr. Howard: Thank you.

Ms. Kirkman: Thank you.

Mr. Howard: Any other discussion since we're in discussion?

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Mr. Mitchell: Mr. Chairman, I will not be supporting the motion tonight strictly for the cost; \$14,000 may not seem like a lot of money but it is a lot of money.

Mr. Howard: I think it's a heck of a lot of money.

Mr. Fields: Mr. Chairman?

Mr. Howard: Mr. Fields?

Mr. Fields: I've just been on record several times and I'll be brief about it. There is no... the idea that if the Planning Commission, with a thorough effort and a thorough amount of analysis debate and work, comes to a conclusion that it feels in the public interest the idea that it would be muted, restricted or at any way inhibited by an arbitrary budgetary constraint is really profoundly anti-democratic. I believe in trying to live within your means and being fiscally prudent, but the idea that you would have an idea that the majority of us felt was in the best interest of the citizens of Stafford and simply not advertise it because of financial consideration is a real betrayal of the trust that they place in us.

Mr. Howard: That's your opinion, thank you. Any other comments? Mr. Hirons?

Mr. Hirons: I support this plan as we were doing it on the back of the envelope, as you described. I won't be supporting... I will not be supporting this motion much for the same reasons as Mr. Mitchell. The cost just can't justify what's... what we can forecast what is most likely going to happen. I think we can be better served by allowing Stafford County to spend \$14,000 in a more wise manner and have our voices heard during our public hearing and speak to our opinions during that time.

Mr. Howard: Thank you.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Typically, what has been raised by my colleague from the Falmouth District would be true, but unfortunately the Board has decided that it's going to get this done. And so again, to reiterate, the only... if our alternative recommendations do not go forward in the form of a public hearing, by de facto, what will get approved is the Board's version. So, by voting against the motion to send this to public hearing, based on the red herring of cost, you are in fact voting in favor de facto of the Board's version.

Mr. Howard: Thank you. Again, that's your opinion, just as your opinion was that we should advance it because you think some back room deal was not obligated.

Ms. Kirkman: Mr. Chair, point of order. I think it's inappropriate for the Chair both to directly me in the manner and also to make editorial comments on my statements.

Mr. Rhodes: Mr. Chairman, I think...

Mr. Howard: Anyway, that's my opinion.

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Mr. Rhodes: Mr. Chairman?

Mr. Howard: Mr. Rhodes.

Mr. Rhodes: We have talked about addressing one another and while I agree with that in general, I would submit that making misrepresentations and characterizations about the intentions and...

Mr. Howard: Integrity.

Mr. Rhodes: ... and integrity of the Board of Supervisors is no different than when that occurs, I can't stand for that either.

Mr. Howard: That was my intent, to call it out. So, I don't think it should be a motivation to vote. I think that's between you and your Supervisor if, in fact, you've had that discussion. Any other comments? Okay, I'll conclude with I just can't support this version for a variety of reasons but thank you. I'll call for the vote. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mr. Rhodes: Aye.

Ms. Kirkman: Aye.

Mr. Howard: All those opposed nay?

Mrs. Hazard: Nay.

Mr. Mitchell: Nay.

Mr. Hirons: Nay.

Mr. Howard: Nay. So, I've got to poll the group. Mr. Fields?

Mr. Fields: Aye.

Mr. Howard: Mrs. Hazard?

Mrs. Hazard: Nay.

Mr. Howard: Mr. Rhodes?

Mr. Rhodes: Aye.

Mr. Howard: Mr. Howard is a nay. Mr. Mitchell?

Mr. Mitchell: Nay.

Mr. Howard: Ms. Kirkman?

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Ms. Kirkman: Aye.

Mr. Howard: Mr. Hirons?

Mr. Hirons: Nay.

Mr. Howard: The motion does not carry 4 to 3. That brings us to item number 5, which is the TND Ordinance amendment which is the T1 Transect Zone. And we have a time limit (inaudible). Mrs. Baker?

5. *P-TND Ordinance Amendment; T-1 Transect Zone (Time Limit: June 3, 2011)
(Authorize for Public Hearing by: May 4, 2011)
(Potential Public Hearing Date: June 1, 2011)*

Mrs. Baker: As you recall, on February 15th the Board referred an amendment to the Zoning Ordinance regarding the TND and referring to the T1 Transect Zone and the proposed removal of the 25% slopes, as well as the 35 foot buffer on intermittent streams. At your last meeting we talked about this and you all requested additional information on how this ordinance amendment might impact our Phase 3 compliance with Chesapeake Bay. We did attach the advisory review that occurred last year from the DCR and their local assistance division. And I think you all saw this information during a discussion last year as well. So, the formal review for that would take place in September of this year. The review did include a finding that the County's P-TND Ordinance contributed to minimization of land disturbance as it includes provisions for protection of sensitive lands other than the RPA. So, if you look through the report that was completed, there are references to both the former Potomac River Overlay District, as well as the P-TND Ordinance to get credit for the compliance. I will note that the petitioner for this ordinance has also prepared some background information that was submitted to you all in your package and I note that they want to address that tonight as well. And I will note also that we have emailed both their information, as well as the ordinance, we've sent it onto DCR for their comment. At this point, we have not gotten their feedback. They indicated it would be a few more days before they were going to get anything back to us.

Mr. Howard: But they will provide some commentary?

Mrs. Baker: They're going to comment on the impacts to the Chesapeake Bay compliance.

Mr. Howard: Good. Right.

Mrs. Baker: So I will try to answer questions. Amber Forestier was here and she had to unfortunately leave to attend to a family matter. So I will try to answer what I can for you.

Mr. Howard: Okay. Are there any questions for Mrs. Baker? Hearing none, can we hear from the petitioner?

Ms. Kirkman: Mr. Chair, this ordinance was... as a point of order, this ordinance was sent to us by the Board of Supervisors and I believe the appropriate time for interested parties to comment, as with all other ordinances sent to us by the Board of Supervisors, is during the public comment period.

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Mr. Howard: The Commonwealth of Virginia does allow a citizen to propose an amendment to the Zoning Ordinance. In the County of Stafford, we require that petitioner to initiate that amendment with the Board of Supervisors. So this, in effect, is coming through the Board of Supervisors really from a procedural perspective. Is that correct Mr. Smith?

Mr. Smith: Yes Mr. Chairman, that is the way that this particular amendment and zoning text amendments come before the Planning Commission, by way of the Board.

Ms. Kirkman: Mr. Smith, my understanding of the reason why this was sent to us by the Board of Supervisors is Stafford County never enacted in its code a provision to allow for petitioners to petition for a change in the ordinance.

Mr. Howard: That's correct.

Ms. Kirkman: And so what happened was Mr. Leming went before the Board of Supervisors and asked them to initiate the Zoning Ordinance amendment and, in fact, he is... there is no such thing as a petitioner in our County ordinance.

Mr. Howard: Well, we'll let the...

Ms. Kirkman: Mr. Smith comment on whether or not that's a correct understanding of our statute.

Mr. Smith: My understanding is that, Ms. Kirkman, is the background you've provided is how this particular amendment has progressed through the process. I would have to double-check our Zoning Ordinance to determine whether the term petitioner is used or defined.

Mr. Howard: I'm going to let the originator of this amendment...

Mr. Fields: Mr. Chairman, I just want to put on note for the record I object to this process.

Mr. Howard: of the Zoning Ordinance to address the Planning Commission. Thank you Mr. Fields.

Mr. Leming: Mr. Chairman, thank you for the opportunity to speak and will just take a few of your moments. I know it's late.

Mr. Howard: Can we just say you have 15 and no more?

Mr. Leming: Alright, we'll handle it that way and that'll make my comments even briefer. As Ms. Kirkman indicated, this was a request that went to the Board of Supervisors because that is the way the ordinance is structured in Stafford County. My reading of state law is that anybody can request a text amendment and that there's an obligation on the part of any governing body to process that text amendment. I think it's probably something that the County needs to look into as far as its own ordinance is concerned. This request came about as the owner of the property that will come before you shortly, known as Clift Farm, in May for a public hearing was in the process of developing a land plan in the context of one of the County's new UDAs, Eskimo Hill UDA. And in the context of that planning it became clear that the ordinance section that we are requesting be amended had a very significant impact on the ability to plan on the smaller land bays that are envisioned under the UDAs. This was true for the residential portion of the development and it is most true for the commercial

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portion of the development. There is some issue about the interpretation of the statute; the statute talks about any lands adjoining the CRPA which have a slope equal to or greater than 25%. It's not altogether clear, it's not defined anywhere what the term adjoining means; whether that means parallel to the CRPA or perpendicular to it. We took the most cautious approach in planning and looked at everything that could be conceivably considered adjacent to the CRPA. So, one thing that might help somewhat here is some guidance on what the term adjacent means in this context. In any case, it occurred to us certainly that if this was an issue for this particular UDA, given the nature of UDAs and the fact that they can only really be formulated under the TND Ordinance in Stafford County and whether the ordinance permits that level of intensity, that this might be a problem at other UDAs. And we have asked some of our experts to look at that particular issue and the overall question of whether or not there are other ways that the Chesapeake Bay Phase 3 compliance can be accomplished. And we actually have a proposal for you that directly addresses the performance criteria under the Phase 3 clients of performance criteria as well. It's somewhat ironic I think that the TND Ordinance, which is arguably your most environmentally friendly ordinance because of what you can do with it and the open space required and other provisions of it, is the only Zoning Ordinance in Stafford County that has this provision. None of the other ordinances include a provision to this effect and it certainly has an impact on what you're able to do under the TND Ordinance, as I think we can show you. What I'd like to do is to stop talking myself because these guys know much more about this than I do. This is Mr. Paul Pitera with Angler Environmental and I'm going to ask him to address the general subject of topography in this area and the impact of an ordinance of this nature, particularly on the UDAs. And I also have Mr. Denar Intello here, Director of Engineering from the Engineering Group. He is the one most familiar with the work that was actually done at Clift Farm; we have illustrations that will help you see what the issue is. So, Paul, will you...

Ms. Kirkman: Excuse me, Mr. Chair, before we hear from them I do have a question for Mr. Leming.

Mr. Howard: Sure. Mr. Leming?

Ms. Kirkman: Mr. Leming, you phrase this all in the context of the UDAs but my understanding is that the rezoning application was already submitted for Clift Farm.

Mr. Leming: I'm sorry, I'm not quite sure I understand the question. There is a pending application for Clift Farm that utilizes the UDA Comp Plan language for the application.

Ms. Kirkman: So, what has happened with the application that was previously submit... not the Stafford Town Station but there was a subsequent application submitted for that property.

Mr. Leming: Yes, that's right.

Ms. Kirkman: And what's the status of that rezoning application?

Mr. Leming: There was an application that was submitted under the PD Ordinance and that application has been revised so that it is now a PD-TND application.

Ms. Kirkman: So, and that application was submitted well before the UDA legislation.

Mr. Leming: The PD application was, yes, that's correct.

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Ms. Kirkman: Okay, thank you.

Mr. Pitera: Hello, my name is Paul Pitera; I'm with Angler Environmental. As Mr. Leming indicated, we were asked to review the proposed text amendment and the UDAs within the County in general and comment on the appropriateness of the proposed text amendment. Basically what we did was looked at all the UDAs, or I should say most of the UDAs within the County we've actually performed environmental work on two of the... two properties within two of the different UDAs. And just to look at how the proposed, or I should say the existing amendment or, sorry, the existing language that protects steep slopes and intermittent streams, how that affects the ability to implement the TND zoning within the UDAs. My opinion is that both the UDA designation, as well as the protection of the steep slopes and the intermittent streams, are both kind of getting at the same thing; protection of water quality, protection of the Chesapeake Bay. However, I think that in general, and particularly in Stafford County, the two might be in opposition of each other in certain instances. The reason I say that is because most of the UDAs are proposed right along the Route 1 and I-95 corridor. That also happens to be where the fall line is within Stafford County. The fall line is the transition between the Piedmont physiographic province and the Coastal Plain physiographic province. What that means in practice is that there's lots of steep slopes in that particular area and the topography tends to be dissected by lots of intermittent streams. So, within the areas where the UDAs are being proposed, there tends to be, and that's what we found in Stafford Town Station and some of the other properties we looked at... I should say the Clift Farm project... that there are many intermittent streams and steep slopes that, you know, are within the area. Where I indicated that they may be in conflict, the point I was trying to make is that in certain instances the outright protection of certain RMA features like the steep slopes and intermittent streams may create a situation where additional clearing and grading, or additional infrastructure, may be necessitated in order to implement the proposed density or compact use that's being driven at in the UDA. So, it was our kind of analysis and opinion that because the TND zone and the UDA projects need to go through a rezoning process, there would be ample opportunity for the Planning Commission and the Board of Supervisors to evaluate the appropriateness of that zone on any particular project that's looked at, as well as the proposed site plan, once it's determined that that zone is appropriate. I think that the outright protection of certain RMA features and focusing on only those may kind of hamstring the design process and not allow for property implementation of the UDA intent, which again is driving at the same thing which is water quality protection, protection of the Bay, minimizing land disturbance and minimizing impervious cover. I'd be happy to take questions from anybody.

Mr. Leming: Mr. Pitera did provide a letter that basically recites the opinion that he just provided. Does anyone have questions for Mr. Pitera?

Mr. Howard: I think some of us were just looking to understand the origin of your thoughts here.

Mr. Leming: Do you have copies of the Clift Farm?

Ms. Karnes: On the computer.

Mr. Leming: Okay. Is there a way we can pull up the computer to...?

Mr. Harvey: Computer please.

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Mr. Leming: Do I have to do something? Ah, okay. This is the proposed UDA layout which is in conformance with the TND Ordinance in the County. The red areas are the slopes that would be protected under the present ordinance. Route 1 is over here and this is the largest portion of the commercial bay, those of you familiar with the TND Ordinance know that there is some commercial interspersed but this is the largest concentration of it. The red areas are those that can't be developed because of the proximity to the... well, these are the slopes that are next to the CRPA. You can also see the same kind of pattern throughout the residential portion of the property and the impact on that as well which has a significant impact on the ability to achieve the density that the UDAs envision. What Paul was telling you is that this is not atypical for this part of the county and that similar problems can be anticipated at Centreport, Stafford, Gateway and Leeland Station because they all fall within the same basic kind of topography. Those areas have not been specifically delineated yet as far as which are intermittent and perennial streams and which slopes would be affected as this has. Now this does assume the interpretation I was getting to earlier that the slopes include everything, even those that are simply perpendicular and touch the CRPA at one point. So we were being all-inclusive in our interpretation here. Let me conclude by saying, because I figure I'm close to your time limit Mr. Chairman, we think that the same benefit can be obtained with an ordinance that would simply for your T1 Transect Zone would include a minimum of 5% of the required open space for the property not classified as CRPA and that open space would remain undisturbed. That directly addresses number 1 in your general performance criteria, is there an ordinance provision or other adopted documents that require a certain portion of percentage of undisturbed open space as part of a zoning district requirement. That currently is checked no; this would enable that area to be checked yes. It's our position that that would achieve the same benefit completely aside from what you can achieve in the context of a negotiation of a rezoning, as what is currently included within the TND Ordinance. So, that was the basis of it, that's the problem, that's how we see it; that's why we ask for the consideration of the text amendment. And we very much appreciate your time tonight and realize it's late. We'll be available to work with you in the future as you work through this amendment. I realize you've got some time on it. Thank you very much.

Mr. Howard: Thank you; appreciate that... that helped me understand a little bit of the origin of this. I appreciate you coming down.

Mr. Leming: Yes sir.

Mr. Howard: I don't know if anyone has questions.

Mr. Leming: I'd be happy to entertain any questions.

Mr. Howard: I don't see any or hear any, so thank you.

Mr. Leming: Thank you very much.

Mr. Howard: Mrs. Baker?

Mr. Rhodes: We still have the DCR comments outstanding.

Mr. Howard: Yeah. When do you think the DCR comments will get to you?

Mrs. Baker: They indicated they need two or three more days to get those to us.

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Mr. Howard: So, could we get it by... you think they'd have it by the next meeting?

Mrs. Baker: Next meeting? I would imagine.

Mr. Howard: Okay. So we have plenty of time on this; we don't need to do anything.

Ms. Kirkman: Mr. Chair?

Mr. Howard: I'd like to hear what the State has to say. Yes, Ms. Kirkman?

Ms. Kirkman: I would also like to hear from Mr. Smith at our next meeting about whether or not our County code recognizes a petitioner in this instance.

Mr. Smith: Yes Ms. Kirkman, I'll look into that.

Mr. Howard: Okay, I know it's late...

Mr. Rhodes: Mr. Chairman, I just make a motion we defer this to the next meeting.

Mr. Howard: Okay.

Mr. Mitchell: Second.

Mr. Howard: Defer number 5?

Mr. Rhodes: Yes sir.

Mr. Howard: Any discussion? So the motion is to defer the P-TND to the next meeting. All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries unanimously. Anyone want to make a motion to defer number 6?

6. ***RDA-1 Zoning District (Time Limit: May 31, 2011)
(Authorize for Public Hearing by: April 20, 2011)
(Potential Public Hearing Date: May 18, 2011)***

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Mr. Hirons: So moved. Move item number 6 to our next meeting.

Mr. Mitchell: Second.

Mr. Howard: Any discussion on that? All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? How about under New Business, item 8, defer that to... I think they're just looking for feedback so if we come to the next meeting with feedback on the Implementation Plan, but I think we can defer that tonight. Is there a motion to do that? It's under New Business, item number 8.

NEW BUSINESS

8. Comprehensive Plan: Implementation Plan

Mrs. Hazard: Sure. I move that we defer discussion on the Comprehensive Plan Implementation Plan, item number 8, to our next meeting.

Mr. Rhodes: Second.

Mr. Howard: Any discussion? All those in favor signify by saying aye.

Mr. Fields: Aye.

Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hirons: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries unanimously. We did the public hearings. Planning Director's Report?

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PLANNING DIRECTOR'S REPORT

Mr. Harvey: Thank you Mr. Chairman. I wanted to mention to the Commission that tonight is your inaugural night of being streamed live on the website. This broadcast was streamed live and will continue to be in the future so people can watch it from their home computers.

Mr. Rhodes: Do you have like a hit counter on that so we can keep track of all those numbers?

Mr. Harvey: I'm sure the IT Department tracks all that.

Ms. Kirkman: That's assuming you have access to internet that has enough width to accommodate streaming.

Mr. Harvey: Yes. So, if any Commissioners want to go back and revisit the video, they can also access that too from the website.

Mr. Rhodes: Noooo.

Mr. Howard: No thanks.

Mr. Harvey: That will be kept on the website for a year.

Mr. Howard: Wow!

Mr. Harvey: Also, I wanted to let the Commission know that I will not be here at the next meeting. Mrs. Baker will be representing the staff at the next Planning Commission meeting. The Board of Supervisors yesterday referred three ordinance amendments to the Commission which we've handed out at your desks. One is a change to the Subdivision Ordinance clarifying the title of an Onsite Soil Evaluator to make us compliant with the new state standards for the title of that person for drainfields. Also, we received a petition from another property owner regarding requesting a zoning text amendment to create a definition and use for a wetlands bank. And then finally we have a proposal for temporary family health care structures; that's a state code requirement that we allow them. This would create the definition and standards for those types of structures. And that concludes my report. Thank you.

Ms. Kirkman: Mr. Chair?

Mr. Howard: Ms. Kirkman?

Ms. Kirkman: Actually, at this point, since we now have another one of these "petitions" before us, I would like for Mr. Smith to summary of what section of the County Code authorizes this and sort of how that process works.

Mr. Smith: Yes Ms. Kirkman, I'll research that and provide that information to the Commission.

Mr. Howard: I can tell you, and you certainly should check this Mr. Smith, that I think because it's a Board initiated amendment to a Zoning Ordinance, that's what covered in the County Code. The Commonwealth of Virginia allows a citizen who resides in the state to make an amendment, a text

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amendment. The issue is the County of Stafford doesn't have it in their ordinance to allow the citizen to come and initiate it here. But they can go the Board of Supervisors and, if there's an appetite on the Board to advance that, they do that under the name of the Board of Supervisors. That's my understanding but Mr. Smith...

Ms. Kirkman: Thank you for your understanding. I do want to hear from Mr. Smith.

Mr. Howard: Absolutely.

Ms. Kirkman: And then I just wanted to clarify with staff, the Resolution that was sent to us on the Wetland Mitigation Bank, are we able to make changes to that?

Mr. Harvey: Give me a second, I'll check the Resolution. I believe it has that language but let me verify.

Ms. Kirkman: I was looking for that.

Mr. Harvey: Actually, it does not reference any changes that can be made.

Ms. Kirkman: Mr. Chair, and perhaps we need to just because of the late hour defer this to the next meeting. But I just want to raise, on my first read of this, a real concern I have about this ordinance that the Board may not have anticipated which is essentially what's being proposed here is a land use called Wetland Mitigation Bank which creates additional value of the property which would have to be... because now A-1 property could be used as a wetland mitigation bank which carries a real economic value which then means the County assessor's office, the Commissioner of Revenue, would have to take that value into consideration when assessing the property. And my guess is that most owners of properties in the A-1 district don't want to have the value of their property assessed at a higher rate because there's now this new by-right use of wetlands mitigation bank and...

Mr. Howard: That's a good point. I haven't even had time to look at it, but I'd like to see what other jurisdictions you know have a similar, if any...

Ms. Kirkman: And the reason why I'm raising that is that while the intent of this may be good, it may be better to do it as a separate land use district than as a by-right use within the A-1 district.

Mr. Howard: That's a fair point. I don't think anyone's had enough time to review that, on the Commission anyway. But good point. So, Mr. Harvey, if you can come to the next meeting with some of that information, if we...

Mr. Harvey: Yes Mr. Chairman, we'll ask the Commissioner of Revenue to see if they have any experience with this and/or (inaudible).

Mr. Howard: Do we know of any other counties or jurisdictions that have it and how do they apply it.

Mr. Harvey: Yes. We've looked at some other jurisdictions; we know that Spotsylvania County requires a Conditional Use Permit. We know that Prince William and Loudoun Counties allow it as a by-right use. So, it's sort of up to the community as to how it wants to proceed. I don't think there's a uniform manner in which it's been done.

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Ms. Kirkman: My concern is that if an acre of wetlands is trading at \$14,000 for mitigation purposes, if you happen to be an unfortunate property owner with an acre of wetlands, the assessed value of your property may go up solely by virtue of that, even though you may never have any intention of creating a mitigation bank.

Mr. Howard: I do own an acre of wetlands actually.

Ms. Kirkman: So there you go.

Mr. Howard: Is there a motion to approve the minutes, February 23rd?

COUNTY ATTORNEY'S REPORT

COMMITTEE REPORTS

13. Transfer of Development Rights (TDRs) (**Time Limit: April 6, 2011**) (**In Joint Committee**)
14. Telecommunications Plan Update (**Time Limits: April 29, 2011 - Joint Committee completes work and forwards to Planning Commission; July 5, 2011 - Planning Commission conducts public hearing and makes a recommendation**)

CHAIRMAN'S REPORT

OTHER BUSINESS

APPROVAL OF MINUTES

February 23, 2011

Mr. Mitchell: Mr. Chairman, I make a motion to approve Stafford County Planning Commission Minutes, February 23, 2011.

Mr. Howard: Second by Mr. Rhodes?

Mr. Rhodes: Second, but I have one minor correction. Page 38 of 58, line 1815, that should say Mr. Rhodes voted aye and line 1823 should say Mr. Mitchell voted nay. They were reversed there but we both mumble the same. On line 1815 it should be Mr. Rhodes voted aye and line 1823 should say Mr. Mitchell voted nay. That was on the Planning Commission version of the Comp Plan that took out Brooke Point and you voted against and I voted for.

Mr. Mitchell: That is correct. Mr. Chairman, I accept his friendly motion, or amendment to the motion.

Mr. Howard: Okay, any other correction on the minutes before we vote? Okay. All All those in favor of the motion signify by saying aye.

Mr. Fields: Aye.

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Mrs. Hazard: Aye.

Mr. Rhodes: Aye.

Mr. Mitchell: Aye.

Ms. Kirkman: Aye.

Mr. Hiron: Aye.

Mr. Howard: Aye. Opposed nay? The motion carries unanimously. Was there a County Attorney's Report?

Mr. Smith: No report Mr. Chairman.

Mr. Howard: Thank you. The meeting's adjourned.

ADJOURNMENT

With no further business to discuss, the meeting was adjourned at 11:45 p.m.